



An
Bord
Pleanála

Inspector's Report

ABP-304121-19

Development	Demolition of building on site and construction of discount foodstore (to include off licence use)
Location	Lagore Road and Main Street, Dunshaughlin, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA180255
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Paul Healy - Supervalu; Maura Murphy Jenson. .
Observer(s)	None
Date of Site Inspection	Monday 1 st July 2019.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

1.1. The 0.66ha appeal site is located in Dunshaughlin, Co. Meath, between Lagore Road and Main Street. It comprises a broadly rectangular shaped site facing Lagore Road (extending to its junction with St. Seachnaill's Road), with a narrower projection to Main Street. The majority of the site comprises an agricultural field, with the southern part comprising car parking and part of the external yard area associated with the adjoining Maddens Home and Garden Store. A small stone shed lies to the north-east of the site. Along the northern boundary of the site are six large, mature trees. To the north west of the site is a newly constructed Lidl store. To the south west of the site, to the west of Main Street, is a Supervalu store. At the time of site inspection, a substantial residential development was under construction to the east of St. Seachnaill's Road.

2.0 Proposed Development

2.1. The proposed development, as revised by way of significant further information submitted on 6th February 2019, comprises the demolition of the existing 106 sqm shed on the site and construction of a single storey discount food store of 1,638 sqm with associated signage, 90 car parking spaces, bicycle spaces, landscaping and boundary treatment. Vehicular access to the site is proposed from Lagore Road and pedestrian access from Main Street, via a landscaped courtyard/thoroughfare. A cycleway and footpath along the site frontage at Lagore Road and improvements to the Lagore Road/St. Seachnaill's Road junction are proposed. The planning application is accompanied by:

- Plans, drawings and details of land ownership/letter of consent.
- Retail Impact Statement (March 2018).
- Retail Design Statement (March 2018).
- Traffic Impact Assessment (March 2018).
- Screening Report for Appropriate Assessment (February 2018).
- Archaeological Desk Study Report (February 2017) and Archaeological Testing Report (January 2019)
- Bat Assessment (February 2018 and June 2018).

- Preliminary Tree Survey and Report (September 2018).
- Road Safety Audit, Stage 1 (October 2018).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 12th March 2019 the planning authority decided to grant permission for the development subject to 27 conditions, including:

- No.2 – Applicant to submit details of boundary treatment along public road.
- No. 3 – Applicant to submit detailed design of Lagore Road/St. Seachnail's Road junction for written agreement.
- No. 4 – Applicant to complete Road Safety Audit (4 stages) and incorporate all recommendations into proposed development.
- No. 5 – Applicant to submit details of all signage for agreement.
- No. 9 – Applicant to implement archaeological mitigation measures.
- No. 10 – Site to be landscaped in accordance with scheme submitted.
- No. 11 – Applicant to submit public lighting design for agreement.
- No. 18 – Applicant to implement mitigation measures in Bat Assessment (submitted on 6th February 2019).
- No. 23 to 25 – General development contributions.
- No. 26 – Special development contribution in respect of infrastructural improvement works on Lagore Road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 8th May 2018 – The report refers to the planning history and zoning of the site, the policy context for the development and issues raised in observations. It considers the development to be consistent with the zoning of the site and retail policies, addresses the Board's previous reasons for refusal, under PL17.246830, and would not give rise to any significant effect on a European

site. The report recommends further information, relating to the matters raised in technical reports (below).

- 12th March 2019 – Considers that the applicant has dealt with the matters raised in the request for further information. Recommends that permission is granted, subject to conditions.

3.2.2. Other Technical Reports

- Water Services (17th April 2018) - Recommends further information in respect of surface water treatment and disposal. Subsequent report (8th March 2019) recommends conditions be applied in respect of greenfield runoff, attenuation infiltration, finished floor levels and wayleaves.
- Conservation Officer (19th April 2018) – Two reports, same date. Considers that the Arborists Report is inconclusive and recommends retention of mature trees to the north west of the site which contribute to the sylvan streetscape of the town. If permission is granted, recommends archaeological pre-testing of the site and no changes to the exterior of the proposed structure without planning permission.
- Heritage Officer (8th May 2019) – Recommends further information in respect of a bat survey i.e. that it should be undertaken during the optimum season to determine a more complete assessment of bat usage/activity at the site.
- Transportation Department (8th May 2019) – Recommends further information in respect of car parking spaces and cycling facilities to meet Development Plan standards and to take into account on street spaces that will be lost along Lagore Road; inconsistent red/blue lines on drawings; provision of footpath and cycle path along Lagore Road; design of Lagore Road/St. Seachnaill's road junction to show cycle and pedestrian facilities; and Stage 2 Road Safety Audit. Subsequent report (11th March 2019) raises no objections subject to conditions in respect of boundary treatment, design of Lagore Road/St. Seachnaill's Road junction, Road Safety Audit and special development levy towards cost of road infrastructural works to facilitate the development.
- Public Lighting (9th April 2018) – First report is referred to in Planning Report and requests further information on public lighting (copy of report requested

but not received at time of this assessment). Subsequent report on file (14th February 2019) makes no objections but recommends a condition if permission is granted (full public lighting design to be submitted for agreement).

3.3. Prescribed Bodies

- Irish Water (17th April 2018) – Recommends further information in respect of water connection details and diversion of existing waste water sewer which crosses the site. Subsequent report (11th March 2019) raises no objections subject to conditions.
- Department of Culture, Heritage and the Gaeltacht (19th April 2018) – Development is within the zone of archaeological potential established around Dunshaughlin town (ME044-033) and having regard to this, and the archaeological report submitted, recommend an Archaeological Impact Assessment as further information. Subsequent report (21st February 2019), notes the results of the test excavations and recommends that proposed mitigation measures are conditioned in any grant of permission.
- NTA (11th April 2018) – Referred to in planning report and recommends that bicycle parking provision be increased. (Copy of report requested but not on file at time of this assessment).

3.4. Third Party Observations

3.4.1. Observations on the proposed development raised the following issues:

- Impact of already congested traffic on Lagore Road, St. Seachnaill's Road (L-5040), Grangend and Main Street (with other permitted residential development and Lidl store).
- Impact of development on pedestrian movements due to increase in traffic and inadequate roads to accommodate traffic (e.g. with vehicles mounting the kerb to park).
- Loss of mature trees and green space within the village.
- Precedent (previous decision to refuse permission for the development).
- Inadequate and sub-standard parking provision.

4.0 Planning History

4.1. The following planning application has been determined in respect of the appeal site:

- RA151231/PL17.246830 – The Board decided to refuse permission for a 1,140sqm single storey discount food store and 83 car parking spaces on the appeal site on the grounds that the proposed building on the site was at furthest remove from the existing public realm, commercial centre and Main Street of Dunshaughlin; the large surface car park between the proposed building and existing public realm and town centre; the development would, therefore, fail to consolidate and successfully achieve synergy with the existing retail core and town centre.

4.2. On land to the south of the site, immediately adjoining the appeal site, permission was granted by the planning authority under RA180257 for the erection of entrance gates, boundary fencing, walls, railings and relocation of 21 no. car parking spaces (site of 0.31ha).

4.3. To the north west of the site, under PA ref. RA170866, permission was granted for a Lidl store, new access onto Main Street and car parking. Under PA ref. RA171303 amendments were made to the approved layout.

4.4. To the north of the site and Lagore Road, under PL02.245680, the Board granted planning permission for 8 no. dwellings.

5.0 Policy Context

5.1. National Policy

- Guidelines for Planning Authorities, Retail Planning (DoECLG, 2012).
- Retail Design Manual (DoECLG, 2012).
- Retail Planning Strategy for the Greater Dublin Area 2008-2016 (Dublin and Mid-East Regional Authorities, 2008).

5.2. Development Plan

5.2.1. The statutory development plan for the appeal site is the **Meath County Development Plan 2013 – 2019**. Relevant policies include:

- To encourage mixed use settlement forms and sustainable centres, in which employment, housing and community services are located in close proximity to each other and to strategic public transport corridors (Core Principle 5).
- To support the creation of a compact urban form in all settlements (Core Principle 6).
- Designation of Dunshaughlin as a Moderate grown town (subject to the granting of permission of a railway order for the Navan Rail Line Phase II, including a station at Dunshaughlin), to cater for a population of 5,000-15,000. Section 3.4.4 of the Plan states that until such time, the town must develop in a manner consistent with that of a Moderate Growth Town i.e. focusing on self-sustaining, integrated and compact development (SS OBJ 11).
- Implementation of the County Retail Strategy (policy ED POL 24).
- Designation as Dunshaughlin as a Level 3 retail centre, Town and/or district centre and sub-county town centres (Table 4.1), with an indicative convenience floorspace potential of 3,500sqm by 2022.
- To support the vitality and viability of existing designated centres by ensuring that future growth in retail floorspace responds to the identified retail hierarchy (Policy ED POL 26).
- To facilitate the identification, promotion and development of key town centre opportunity sites and promote ongoing environmental improvements to the public realm (Objective ED OBJ 10).
- Criteria for the assessment of retail applications, which include compliance with the sequential approach, impact on town centres, relationship to development plan, development's contribution to site and/or area regeneration and quality of access by all modes of transport (section 4.5.9).
- Design guidelines for retail development, which include visual integration into streetscapes and access and mobility (section 4.5.9).
- A requirement for 1 car parking space per 14msqm gross floor area where floor area > 1,500sqm. (The Plan states that the car parking standards will be applied at the discretion of Meath County Council in the County's rural towns and villages having regard to the availability and adequacy of on street

parking, existing or proposed off street parking to serve the development and the status of the town/village within the settlement structure of Meath).

- 5.2.2. The Plan includes a written statement for Dunshaughlin (Volume 5). It deals with residential development and employment land within the town to support its county function.
- 5.2.3. The **Meath Retail Strategy 2013 to 2019** describes Dunshaughlin as a having a linear and compact retail core, focused on Main Street and including SuperValu in the town centre. It identifies a retail core that stretches principally along Main Street (see attachments) and a number of opportunity sites, including OS1, the site that has recently been development by Lidl, and the appeal site 'OS2' which would '*be suitable for mixed use development, or alternatively retail development only*'. Key recommendations of the Strategy include to accommodate additional retail floorspace generally and in particular convenience floorspace and to promote the identified opportunity sites. In Table 7.11, the Strategy sets out a requirement for an additional requirement of 3,500sqm of convenience floorspace within the town.
- 5.2.4. The **Dunshaughlin Local Area Plan 2009-2015** (as amended in March 2015, under Variation No. 2 of the County Development Plan) sets out policies in respect of retailing in section 9.0. These include:
- To protect and promote the town centre as the primary retail destination, with land zoned B1 identified as the core shopping area (LAP Policy TC-1).
 - To ensure retail activity is provided commensurate with the position of Dunshaughlin as a level 3 centre (LAP Policy TC-2).
 - Proactively seek to implement the aspirations of the Town Centre Urban Framework Plan by the use of compulsory purchase powers where appropriate and feasible (LAP Policy TC-3). The accompanying Urban Framework Plan for the Town Centre identifies the appeal site for open space, 'The Green', framed with new development to its western side, mixed use development to the south and with a new street formed parallel to Main Street along its eastern boundary (see attachments).
- 5.2.5. In the accompanying Land Use Objectives Map, the appeal site is zoned B1 (Land Use Zoning Objectives Map), '*to protect, provide for and/or improve town and village centre facilities and uses*'. Uses permitted within the zone include supermarkets.

The site is also designated as a Retail Opportunity Site, TC03. A Pedestrian Walkway is identified along the northern boundary of the site (along Lagore Road). Trees on the site are not identified for preservation. The appeal site also falls within an area of archaeological interest designated around Dunshaughlin town centre. A property to the west of the site is identified as a Protected Structure.

5.3. Natural Heritage Designations

- 5.3.1. Dunshaughlin is generally removed from sites of nature conservation interest, with the nearest designated site >10km to the north west of the town (River Boyne and River Blackwater SPA and SAC).

5.4. EIA Screening

- 5.4.1. The proposed development is of a type that falls within Part 2 of the Schedule 5 of the Planning and Development Regulations 2001 (as amended), Class 10 urban development. However, it falls well below the threshold value for development that would trigger EIA (area >10ha built up area) and, by virtue of the type of land use proposed, will not involve the use of significant natural resources or the production of significant waste, pollution or nuisances. Furthermore, the development would be located within a settlement and integrated with existing services. Having regard to the above, I consider that there is therefore no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are two third party appeals in respect of the proposed development. Matters raised are summarised below:
- Development would constitute poor urban design in visual terms given its context and location - Corporate design, scale of development in small-scale village setting and neighbouring property, failure to address Lagore Road,

loss of mature trees, alternatives to mono-use nature of development and contrary to previous design studies for the site.

- Development is contrary to the Dunshaughlin Urban Framework Plan in relation to urban form and connections provided. The principles set out in the Plan should inform the planning of the 'Opportunity Site'.
- TIA is based on selective assumptions for peak hour surveying and results in a distorted traffic impact (assessment was carried out on Wednesday 14th February, Tuesdays and Wednesdays are the least busy days of the week and this particular day was during the school holiday). The site is located where four roads meet and with new houses about to exit opposite, will cause traffic congestion/hazard.
- Inadequate parking is proposed – The development fails to provide the necessary number of parking spaces (117 spaces required by County Development Plan) or take account of uncontrolled parking on Lagore Road. It would result in overspill parking on neighbouring streets, which are already saturated with on street parking. This and the new access to the site will impact on the free flow of traffic/give rise to traffic hazard.
- The development would result in the loss of important trees on the site, to the detriment of visual amenities of the area. The arborist's report indicated that the condition of virtually all trees is such that they could be retained. The Council's Conservation Officer strongly recommended their retention. The trees are being removed to ensure that the standard box design can be shoehorned into the site. If the standard design and size of the box building was reconfigured, the trees could be preserved. The loss of mature trees will further erode the character of the village centre. Proposed tree planting is minimal and will not replicate the loss of these trees. Combined with the blank featureless elevation there will be a real deterioration in visual amenity of the area.
- Development would result in the loss of an important green space, where there are many more appropriate sites available.
- Historic underground storage tanks on site for diesel and gas make the site unsuitable for development and a danger to public health.

- Inadequate sewerage system to accommodate the development.
- No mention in Archaeological Report of Supple Castle that previously stood on the site, with its yard and garden, or shed known as the Slaughter House.
- Bat derogation licence is out of date and contradictory in its terms. Impact on bats.

6.2. Applicant Response

6.2.1. The applicant responds to the appeals made. In order to avoid repetition, the matters raised are referred to in my assessment below.

6.3. Planning Authority Response

- No new comments made in response to appeal.

6.4. Observations/Further Responses

- None.

7.0 Assessment

7.1. I have read the appeal file and inspected the subject site and consider that the key matters raised in this appeal relate to the following:

- Principle and precedent.
- Urban design.
- Impact on traffic.
- Parking provision.
- Loss of open space and trees.
- Archaeology.
- Public health and servicing.
- Impact on bats.

7.2. Principle and precedent.

- 7.2.1. The proposed development comprises a foodstore on an edge of centre site in Dunshaughlin town. It comes forward on land zoned 'town centre uses' and is permitted in principle within the zone. The appeal site is also designated as a retail Opportunity Site TC-3, in the current County Retail Strategy 2013 – 2019 (Appendix 5 of the County Development Plan 2013 – 2019) and the development is also consistent with this designation.
- 7.2.2. I would accept that the layout of the proposed development does not take account of the Urban Framework Plan for the town, contained within the Dunshaughlin Local Area Plan 2009 to 2015, which provides for mixed use of the site, but with the majority of it designated for open space. However, I would note that:
- i. The zoning of the site as an Opportunity Site, was made by an amendment to the Plan on 2nd March 2015 and therefore supersedes the Urban Framework Plan. In this regard, the County Retail Strategy specifically states that the site would be suitable for mixed use development, or alternatively retail development only.
 - ii. Previously, in 2016, the Board considered the principle of a foodstore on the appeal site within the same policy context (PL17.246830). They accepted the principle of the development, within the same context, but refused permission on matters of detail.
 - iii. The proposed development seeks to address the design matters previously raised by the Board. Notably, additional land has been incorporated in the development site which directly adjoins Main Street. This provides visibility of the retail building, which has been moved forward on the site towards Main Street and provides a direct pedestrian link to/from Main Street via a small landscaped courtyard. Car parking is also relocated to the rear of the site.
- 7.2.3. Having regard to the above, I consider that the proposed development is acceptable in principle on the site, consistent with strategic and local planning policy for retail development and has addressed the matter of principle. Matters of detail are considered below.

7.3. Urban Design

- 7.3.1. I would accept the appellant's contention that the proposed development comprises a retail development which is largely 'corporate' in design, reflecting the layout and design of many other stores. Notwithstanding this, it comprises a single storey retail building that has been positioned on site to be visible from and provide synergy with Main Street. The height of the building when seen from Main Street is consistent with or subservient to adjoining buildings. Furthermore, the scale of the building is fragmented by the 'glimpsed' view of the larger structure from Main Street. Materials are contemporary but neither poor quality or inappropriate. Connectivity and integration with Main Street are provided via a small landscaped courtyard to the south west of the retail building, which will also make a positive contribution to the public realm on Main Street.
- 7.3.2. To Lagore Road, the loss of the existing mature trees is significant (discussed further below). Notwithstanding this, when viewed from Lagore Road, the retail building is orientated such that the narrow elevation of the store faces the road and it is again subservient in height to the existing corner building to the west of it. Visual impacts are also offset by the inclusion of tree planting along this boundary (semi-mature field maple) and additional landscaping along the boundary which will prevent open views of the large car park (see Landscaping Plan).
- 7.3.3. Having regard to the above factors, I consider that the proposed development does provide an appropriate urban design response to its specific site context.

7.4. Impact on traffic

- 7.4.1. The applicant responds the matters raised by the appellant in Appendix 4 of his submission. I note that the proposed development comes forward with works to Lagore Road which provide a reduced carriageway width (to 6m from existing 7m) and a shared 3.5m footpath/cycle path along Lagore Road, with works extending to the junction of Lagore Road with St. Seachnail's and the L-5029, with a view to creating a 'gateway entry treatment' to the town, reducing traffic speeds and removing existing on-street parking. The TIA is based on historic survey data for vehicle movements associated with Aldi stores elsewhere in the country and survey work carried out on Wednesday 14th February 2018 during the PM peak hour. It also

assumes a worst-case scenario that all trips are new, whereas in practice up to 70% may comprise existing trips which are existing, transferring or diverting to the proposed development (see section 5.12 TIA). The traffic modelling exercise predicts that the increase in traffic flows arising from the development can be accommodated within the road network, with permitted and planned development in the area and forecast traffic growth.

- 7.4.2. Whilst the date of baseline survey work may have taken place on a quieter shopping day, as argued by the applicant, the traffic impact assessment appears to be conservative in its assumptions, based on observed flows at other similar development, accompanied by a range of measures to better manage traffic on Lagore Road and provide for an improved pedestrian/cyclist environment. Furthermore, it has been accepted by the planning authority. I do not consider that the issues raised by the appellant, are therefore substantiated.

7.5. Parking provision

- 7.5.1. The County Development Plan sets out a requirement for 1 car parking space per 14sqm gross floor area, equating to 117 number of spaces for the proposed 1638sqm and a shortfall of 27 spaces. As argued by the applicant, the County Development Plan states that the car parking standards will be applied at the discretion of Meath County Council having regard to the availability and adequacy of on street parking, existing or proposed off street parking to serve the development and the status of the town/village within the settlement structure of Meath.
- 7.5.2. The applicant's further information response refers to the operation of other Aldi stores within the county, with between 89 and 106 car parking spaces, all below local authority standard, without giving rise to vehicular queues or delays. In response to the appeal, the appellant also refers to PL17.245996 where the ratio of 1 space per 20sqm was accepted by the Board for a single storey discount food store in Trim.
- 7.5.3. Given the town centre location of the development, the collective volume of car parking within the town (e.g. at the Supervalu site, Lidl site and recently granted south of the site) and wider objectives to encourage more sustainable modes of transport, I consider that the proposed level of provision is adequate to serve the development.

7.6. Loss of open space and trees

- 7.6.1. The mature trees on the appeal site no doubt contribute to public realm in the northern side of the town centre, with the trees contributing to the character of the area and sense of place, in particular when approaching from the north or east. Loss of these and the associated open space, with insertion of a standard retail unit and car parking into the site, would inevitably be to the detriment of the established character of the area. I note that the tree survey indicates that most of the trees on site are of 'moderate quality', with none requiring removal as a consequence of condition. Ideally, any development of the site would retain and incorporate some of the trees (and to some extent therefore, open space) into the new urban form, for example, reducing the size of the retail unit and further reducing parking space provision, and the Board may wish to pursue this option.
- 7.6.2. Notwithstanding this, the Board have previously accepted the Inspector's position that the central location of the site does not justify their retention and I do accept that the site directly adjoins the town centre and would provide a sustainable use of the site (e.g. if the alternative is a site removed from the town centre). The applicant proposes replacement trees along the northern boundary of the site (Lagore Road), with 8 no. Field maple, planted with a girth of 25-30cm. Along the eastern boundary of the site, southern boundary of the car park and in the landscaped plaza, 26 no. Downy birch are proposed, planted with a girth of 18-20cm (see Soft Landscaping Plan & Planting Plan). The proposed Field maple, *Acer campestre* 'Elsrijk', matures to a height of 7-12m and the Downy birch, *Betula pubescens*, matures to 20m. Therefore, at maturity, it is likely that the replacement trees (and associated hedging, perennial mix and container grown plants) will make a positive contribute to public realm and to some extent offset the loss of the existing trees on site.

7.7. Archaeology

- 7.7.1. The appeal site lies within Dunshaughlin town's zone of archaeological potential (ME044-033), but outside of the early St. Seachnail's monastic site to the north (centred around the St. Secundinus Church). The Archaeological Desk Study (13th February 2017) concluded that there was significant potential that archaeological soils, features or deposits survive below the present ground surface of the site and

recommended that archaeological test excavation be carried out across the footprint of the development under licence in advance of construction.

7.7.2. The Archaeological Testing Report (January 2019), submitted in response to the further information request, identifies features of archaeological interest, particularly in the south west of the site, including:

- A substantial ditch that curves gradually from west-northwest to east-south east that may be representative of the outer enclosure ditch of the early medieval church of St. Seachnall,
- A second larger ditch running from north-northeast to south-southwest,
- Two other ditches extending east to west,
- Field drains and furrows, and
- Deep rubble deposits (from the demolition of a former farmhouse and outbuildings).

7.7.3. It considers that the development will have a direct and significant impact on the possibly early medieval ditches and considers relocation of the retail building to the east. However, this option is discounted as it was previously refused by the Board. Mitigation measures are therefore proposed, including (i) preservation of 4m x 32m of the curving early medieval ditch, intact beneath the car park with above ground features to indicate the presence of the feature below ground and (ii) relocation of services, (iii) archaeological top soil stripping monitoring and assessment and (iv) full excavation of all archaeological features identified during top soil stripping (except ditch referred to above). The Department of Culture, Heritage and the Gaeltacht examined the above report and recommended implementation of the mitigation measures referred to in any grant of permission (which include that archaeological works are progressed in consultation with DCHG).

7.7.4. The applicant's approach to the assessment and safeguarding of the archaeological potential of the site has been comprehensive. It found no evidence of 'Supple Castle' referred to by the appellant and as stated in response to the appeal (see Appendix 6) the mitigation strategy of topsoil stripping as an archaeological exercise will identify any archaeological features that survive sub-surface at the site, including any structural remains or evidence of a castle. Accordingly, I consider that the

proposed development will not give rise to any significant impacts on archaeology of the site.

7.8. Public health and Servicing

- 7.8.1. There is no reference by the applicant to historic underground storage tanks on site and in response to the appeal, the applicant states that a geotechnical investigation found the site to comprise inert and non-hazardous material for removal off site, with no evidence of substantial contamination. I do not consider therefore that there is any evidence to support the appellant's concerns that the site is unsuitable for development. However, I would recommend a condition requiring the appropriate disposal of soils on site, including any soils found to be contaminated. (Any storage tanks occurring on site would have to be removed under the appropriate legislation).
- 7.8.2. The appeal site lies within Dunshaughlin town, which is designated as a Moderate Growth Town. Lands zoned for development, including the appeal site, have been designated within this context of growth and, therefore, within the existing or planned capacity for services. In this regard, I note that the latest Annual Environmental Report for Dunshaughlin wastewater treatment plant (see attachments) indicates that it operates within capacity and neither Irish Water or the planning authority have objected to the proposed development on the grounds of inadequate sewerage.

7.9. Impact on bats

- 7.9.1. The applicant's Bat Assessment Report (February 2018) was based on survey work of the appeal site (existing building and mature trees), carried out in October 2015. The report concludes that:
- Demolition of the shed has the potential of roost loss for one bat species, brown long eared bat and of injury/death during demolition works,
 - Removal of mature trees creates a low risk of bat roost loss or injury to bats, as no bats were present in the trees at the time of survey.
 - Lighting of the site at night may impact on foraging/commuting bats during night time foraging (permanent slightly negative impact).

- Loss of mature trees, the focus of feeding activity of bats observed on site (Common Pipistrelle and Soprano Pipistrelle) would result in a permanent moderate negative impact.

- 7.9.2. However, the report acknowledges that the survey work was **carried out too late in the season** to reach categorical conclusions regarding summer usage. Mitigation measures are set out in the report, including acquisition of a derogation licence from NPWS to remove bats from the shed prior to demolition (with provision of alternative roost sites etc.), provision of bat boxes, examination of trees for bats prior to removal and appropriate lighting (including of proposed trees to minimise illumination). Subject to mitigation, it is predicted that there will be long term effects on individual bats but no long-term impacts on bat species arise.
- 7.9.3. The applicant's subsequent updated Bat Assessment (June 2018) was based on survey work carried out in June 2018. No bat roosts were observed at the shed or associated with the mature trees on site. One additional bat species was observed on/near the site, Leislers bat. Conclusions and proposed mitigation measures are principally as per the original report.
- 7.9.4. In response to the appeal, the applicant provides an up to date Derogation Licence granted to the applicant from the Department of Culture, Heritage and the Gaeltacht for roost disturbance, damage or destruction of breeding or resting places in respect of common pipistrelle, soprano pipistrelle, brown long eared bat and Leisler's bat, with the licence subject to terms and conditions (see Appendix 3 of applicant's response to appeal), including that no work begin before 1st September 2019 and to be completed prior to 31st March 2020 and liaison with the NPWS field officer in advance of works.
- 7.9.5. Having regard to the above, notably including the implementation of all proposed mitigation measures, I consider that significant impacts of bat species will not arise as a consequence of the development.

8.0 **Appropriate Assessment**

- 8.1. The likelihood of significant effects of the proposed development are considered in the applicant's appropriate assessment screening report (dated February 2018 but based on survey work carried out in 2015). It considers that no significant effects are likely to arise

as a consequence of the development, alone or in combination with other plans or programmes.

- 8.2. The appeal site is substantially removed from any Natura 2000 sites (>10km) and no watercourses directly adjoin or run across the site. Any discharges during construction e.g. contaminated spills, unless removed will percolate through underlying soils but any such contamination is unlikely to have any significant effect on European sites, given the dilution and attenuation capacity of soils and the substantial distance of the site from them.
- 8.3. During operation, surface water and foul water will be directed to the public sewer system for treatment in the Dunshaughlin municipal wastewater treatment plant (see page 7 of Screening Report). The Dunshaughlin plant outfalls into the River Boyne and River Blackwater SAC/SPA. The latest Annual Environmental Report (2017) states that loadings on the plant are within its Peak Treatment Capacity and that effluent arising (i.e. discharges from the agglomeration) are compliant with emission limit values and have no impact on receiving waters (section 2.3 of the report – see attachments).
- 8.4. Having regard to the above, notably the location of the proposed development within an established urban area, integrated with existing services and significantly removed from any European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. Having regard to the above, I recommend that permission be granted for the development for the reasons and considerations set out below and subject to the following conditions.

10.0 Reasons and Considerations

The subject site is situated directly adjoining Dunshaughlin Town Centre and is designated as a Retail Opportunity Site, TC03, in the current Meath County Development Plan 2013 to 2019. It is considered that the proposed development is consistent with the zoning objective for the site and, having regard to its detailed design and subject to compliance with the conditions set out below, would be

acceptable in terms of urban design, traffic safety and public health and would not adversely impact on archaeological heritage, the character of the area or protected species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of February 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of the following shall be submitted to the planning authority for written agreement:
 - i. Boundary treatment along the public road, including footpaths, cycleways, drainage and public lighting,
 - ii. Detailed design of the Lagore Road/St. Seachnaill's Road junction.

Reason: In the interest of traffic safety.

3. A Road Safety Audit (4 stages) shall be completed and incorporate all recommendations into the proposed development. Should this result in changes to the submitted layout, the revisions shall be submitted to the planning authority for prior written agreement.

Reason: In the interest of traffic safety.

4. Prior to occupation of the building, details of signage shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

6. Mitigation measures set out in the Archaeological Testing Report, submitted to the planning authority on the 6th February 2019, shall be implemented in full.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. Mitigation measures set out in the Bat Assessment submitted to the planning authority on the 6th February 2019, shall be implemented in full.

Reason: In the interest of nature conservation and biodiversity.

8. The site, including the car parking area and boundaries, shall be landscaped, in accordance with details submitted to the planning authority on the 6th February 2019, final details of which shall be agreed in writing with the planning authority prior to the commencement of development and shall include a timescale for implementation. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these

facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. The noise level shall not exceed 55 dB(A) rated sound level (Leq, 15 minutes) at the nearest noise sensitive locations between 0800 and 2000 hours, Monday to Friday inclusive, and 0800 and 1400, on Saturdays, and shall not exceed 45 dB(A) at any other time. There shall be no clearly audible tonal component or compulsive component in the noise emission from the site at any noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

13. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to

1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Details of the timing, routing and number of construction traffic vehicles to and from the construction site and associated directional signage;
- (b) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (c) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil (including any soils which are found to be contaminated);
- (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (e) Details of site security fencing and hoardings;

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

15. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

16. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, changes to the exterior of the structure or site, including the erection of additional advertising signs, flags, lighting fixtures, satellite dishes, awnings, name plates, symbols,

emblems, logs, roller shutters or other security of advertising devices, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

17. No development, exempted or otherwise, shall be erected over the public sewer, drain or watermain.

Reason: In the interest of public health.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

19. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road infrastructural improvement works on Lagore Road over the life of operation of the development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be

paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Deirdre MacGabhann
Planning Inspector

11th July 2019