



An
Bord
Pleanála

Inspector's Report

ABP-306499-20

Development	Construction of a discount foodstore (to include off licence use), and the demolition of a building and structures on site. The planning application is accompanied by a Natura Impact Statement.
Location	Townparks 1st Division, Tuam, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	181811
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First V Condition No. 15 (Development Contributions) Third Party V Decision
Appellant(s)	Aldi Stores Ireland Ltd RGDATA

Observer(s)

None

Date of Site Inspection

5th May 2020

Inspector

Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located to the northwest of Tuam town centre at the intersection of Ballygaddy Rd/ Abbey Trinity Rd (Former N17) and the R332. The proposed development site is situated within the town centre. It is currently occupied by a builder's providers yard adjacent to Glynn's Hardware.
- 1.2. The site is bounded by the River Nanny to the south separating the site from Tuam shopping centre and other mixed-use developments located in the general vicinity including restaurants, cafes and apartments to the immediate southeast of the site.
- 1.3. The site sits below Ballygaddy Rd/ Abbey Trinity Rd (Former N17) to the west and the R322 to the north of the site. The site levels have been altered to accommodate the existing warehouse on site and are relatively flat internally. The existing site is screened on the western side boundary by existing leylandii trees. The northern site boundary consists of a concrete post and mesh fence and a boundary wall towards the eastern site boundary. The eastern site boundary is shared with the existing hardware site.
- 1.4. The appeal site is 0.735ha. in area.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,816 sqm (net retail area: 1,325 sqm). The development includes the erection of 2 no. free standing doubled-sided illuminated signs, 3 no. illuminated gable signs and 1 no. non illuminated entrance sign and 1 no. Special Buy sign. The proposed development will be serviced by 97 no. car parking spaces. The proposed development includes for the demolition of an existing building and structures on the site (1,703 sqm). The proposed development also includes for the provision of an ESB substation and switch room as well as all landscaping, boundary treatments and site development works, connection to existing services and all other works necessary to facilitate the proposed development.
- 2.2. Following a request for further information the development was revised to include the redesign and relocation of the building to the north western corner of the site and revisions to the vehicular access. Under Article 33 of the Planning and Development

Regulations 2001 (as amended) the period of time was extended until 14th November 2019. The planning application was re-advertised as Significant Further Information on 22nd November 2019. Unsolicited Further Information was submitted to the planning authority on 19th December 2019 providing for a two-metre widening of the R332, for a distance of 90m metres along a portion the northern site boundary.

- 2.3. The planning application was accompanied by a Natura Impact Statement, Ecological Impact Assessment, Retail Impact Assessment, Flood Risk Assessment , Traffic Impact Assessment and stage 1/2 Road Safety Audit.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway County Council issued notification to grant planning permission subject to 15 no. conditions. The following are of note:

Condition no. 2 stipulates:

Prior to the commencement of development, the applicant shall submit to the Roads and Transportation Unit for its written approval the design of the widening of a section of the R332 as part of the proposed development submitted as additional information during the extension period which shows a 6 metre carriageway with the existing parking bays retained. The design shall include and follow the recommendations of the road safety audit. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of traffic safety

Condition no. 12 relates to landscaping

Condition no. 14 relates to hours of operation to be agreed

Condition no. 15 relates to development contribution of €39,044.00.

3.2. Planning Authority Reports

Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Proposed use accords with the zoning provisions and zoning matrix contained in the Tuam Local Area plan.
- Contents of the Retail Impact Assessment have been noted and are considered acceptable.
- Satisfied the proposed development complies with the provisions of the Retail Planning Guidelines for Planning Authorities (2012) and will consolidate the retail core.
- Further information requested in relation to (i) Design (ii) Building relocation (iii) / (iv) landscaping, (v) Amendments to NIS to have regard to impact of a flood event and surface water management (vi) relocation of access, (vii) auto tracking, (viii) Stage 2 RSA, (ix) car parking (x) relocation of pumping station (xi) additional sections (xii) clarification regarding 'storage shelving' on elevations.
- Further information submitted on 13th November 2019. Unsolicited further information was submitted on 19th December 2019 providing for the widening of the R332 , for a distance of 90metres, along the northern boundary of the site.
- The responses were generally acceptable to the planning authority, subject to relevant conditions.
- The recommendation was to grant planning permission, subject to conditions.

3.2.1. Other Technical Reports

Environment - Report dated 11th February 2019 notes that a waste management plan is required.

Roads Department - Report dated 12th February 2019 recommends further information in terms of the access arrangements and compliance with DMURS, auto-tracking, stage 1 / 2 RSA including revised proposal incorporating the recommendations by amendment to the planning application or by way of condition. The applicant was advised to liaise with the Roads Dept. regarding car parking.

3.3. Prescribed Bodies

TII – Final report dated 26th November 2019 sets out that the TII have no observation as per original submission dated 10th January 2019.

3.4. Third Party Observations

3.4.1. Two submissions were received at application stage.

- The submission by Tiernan Properties (Tuam Shopping Centre) welcomes the proposed development subject appropriate traffic management and car parking.
- The issues raised by RGDATA are covered in the grounds of appeal.

4.0 Planning History

Site

GCC 14/154 EOD – Granted in 2014 for the demolition of existing structures on site and the construction of a mixed use Commercial and Residential development on the site of Glynn's Homevalue Hardware (previous plan ref 09/1722).

GCC 09/1722 – Permission granted in 2019 for the demolition of existing structures on site and the construction of a mixed use Commercial and Residential development on the site of Glynn's Homevalue Hardware.

5.0 Policy Context

Project Ireland 2040: National Planning Framework

5.1.1. From 16th February 2018, the National Planning Framework has replaced the National Spatial Strategy (NSS) and now represents the overarching national planning policy document. The National Planning Framework sets a new course for planning and development in Ireland, to achieve a shared set of goals for every community across the country, focused on ten National Strategic Outcomes. Chapters of particular relevance to this appeal include chapters 1, 2, 3, 4, 6, 9, 10 and 11.

5.1.2. Regional policy objectives

Regional and Spatial Economic Strategy for the Northern and Western Regional Assembly.

RPO 4.45 To support retail in town and village centres through the sequential approach, as provided within the Retail Guidelines, and to encourage appropriate development formats within the town and village centres.

RPO 4.46 To encourage new (and expanding) retail developments to locate close to public transport corridors, to enable sustainable travel to and from our Town and Village Centre's, where applicable.

5.2. Tuam Local Area Plan 2018 – 2024

Chapter 2 of the Plan refers to the overall strategy for the town. Chapter 3 refers to development policies, objectives and guidelines. Map 2 is the Land Use Zoning Map for the town centre. The site is identified as C1 – Town Centre/Commercial.

Shops – Large Scale Convenience/ Comparison Centre are *Permitted in Principle* on lands zoned C1.

Section 2.1 Strategic Vision sets out the following of one of its guiding principles: -

Maintaining a strong and vibrant town centre which attracts new businesses and provides appropriate retailing and service functions to serve the needs of the Town and its surrounding hinterland, in addition to offering a pleasant and attractive environment for shopping, business, recreation and living.

Section 2.2.3 states

The retail function within the town centre performs a very important focus for the vibrancy and vitality of the town centre. The mix of retail offer enables the town to attract shoppers from the surrounding hinterland into the centre and allows the town to maintain its historic draw as an important market town. Appropriately scaled retail in the right location, including the redevelopment of brownfield and underutilised sites in the town centre will ensure resilience and assist in reducing retail vacancy levels. Also, the application of a sequential retail policy looking at existing vacant retail floor space in advance of edge of centre or out of centre development proposals will reduce vacancy and focus new development within the existing centre.

Section 2.2.3 also states that:

The defined town centre remains the primary target for the location of new retail development, with an opportunity to consolidate the retail core, an analysis of the town centre retail floor space was carried out supporting this approach.

Objective DS 1 – Orderly and Sequential Development

Section 3.1.2 Land Use Management Policies

Objective LU 1 – Town Centre/Commercial (C1) Promote the development of the Town Centre as an intensive, well connected, high quality, well-landscaped, human - scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail, services, facilities and amenities to the local community and visitors. The town centre and associated main streets shall remain the primary focus for retail and service activity within Tuam.

Objective ED 3 – Retail Development

Objective ED 4 – Town Centre Viability & Vitality

The Town Centre (C1) zoning will remain the primary focus for the location of new retail development. The Planning Authority will ensure that the location of future retail development is consistent with the key policy principles and order of priority as set out in the Guidelines for Planning Authorities Retail Planning 2012 (and any updated/superseding document) and will require Retail Impact Assessments, including details of the sequential approach, Design Statements and Transport Impact Assessments where appropriate, for retail developments in accordance with the Retail Planning Guidelines and DM Guideline ED1 and ED2

Section 3.6.5 Flooding policies & Objectives

DM Guideline FL 1 – Flood Zones and Appropriate Land Uses

Section 3.9.2 Natural Heritage and Biodiversity Policies and Objectives

5.2.1. **Galway County Development Plan 2015-2021**

Car parking

Policy DM Standard 22: Parking Standards –

- Shops (<250 sq.m gross) 1 car space per 24m² of gross floorspace

- Shops (250 -1000 sq m gross) 1 car space per 18m2 of gross floorspace
- Large Stores (>1000 sq m gross) 1 car space per 12m2 of gross floorspace

Bicycle Parking Standards- In compliance with Smarter Travel Policies, secure cycle parking facilities shall be provided in new office, residential, retail and employment generating development.

5.2.2. **Galway County Council - Development Contribution Scheme 2016 under Section 48, Planning & Development Act 2000 (as amended)** incorporating revised rates following application of indexation with effect from 1st August 2019

5.2.3. **Section 28 Guidelines**

5.2.4. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development.

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009).
- Retail Planning Guidelines for Planning Authorities (2012).
- Urban Design Manual – Best Practice Guidelines.
- Design Manual for Urban Roads and Streets (2013).
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009).
- Development Management Guidelines (2007)

5.3. **Natural Heritage Designations**

Lough Corrib SAC (Site Code 000297) is located 1.8km west of the site.

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced urban location, and the proximity to the nearest sensitive location, there is 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required

6.0 The Appeal

6.1. First Party Grounds of Appeal

The first party appeal is against condition 15 of the decision of Galway County Council dated 19/12/2019. The principle grounds of appeal can be summarised as follows:

- It is set out that the applicant does not object or take issue with the methodology used in the calculation of the contribution but wishes to appeal the imposition of the development contribution.
- The applicant argues that following the submission of the further information the applicant was requested by Galway County Council Roads Section via the Planning Section, to provide for a widened carriageway on the public roads which adjoins the northern site boundary.
- It is set out that this was not raised during any pre-planning consultations or in the request for further information.
- The applicant facilitated this request as per submission to Galway County Council as unsolicited further information on 19th December 2019. Condition no. 1 of the grant of planning permission includes reference to this submission.
- It is set out that no technical design standpoint triggers or requires the widening of the R332 and there is no policy or objective in the Galway Country Development Plan or the Tuam Local Area Plan which sets out the requirement to widen the R332.
- It is set out that in order to facilitate the widening the applicant will be required to provide lands that is in their ownership and cover the associated cost of the work.
- It is set out that the applicant does not have issue with widening the road provided they are compensated for doing so, or at least, are not liable for a €39,044 development contribution.
- It is set out that it is unreasonable that the applicant is required to deliver what are ostensibly public infrastructure upgrade works.

6.1.1. Third Party Grounds of Appeal

The third-party appeal was made by RGDATA, Mentec House, Pottery Road, Dun Laoghaire, Co. Dublin. The principal grounds of appeal can be summarised as follows:

The Edge of Centre Context and Impact on Primary Retail Area of Tuam

- It is set out that while the subject site is zoned “C1” it is located outside of the “Primary Retail Area” and should be categorised as “Edge of Centre” as defined under the Retail Planning Guidelines.
- It is set out that the vitality, viability and retail function of the commercial core of Tuam is vulnerable. The vacancy rate in Tuam is 21.3% (Geoview Commercial Vacancy Rate Report, Q2 2019), much higher than the national average of 13.3%.
- It is set out that the application was not accompanied by a town centre vacancy survey.
- It is set out that the LAP supports the vitality and viability of the town centre in line with national and retail planning guidelines and in this regard that applicant should have carried out a sequential test.
- It is set out that the development is contrary to objective ED 4 of the LAP.

Inadequacies of Retail Impact Assessment

- It is set out that the Retail Impact Assessment fails to consider all large retail stores within the 15km radius and accordingly the “Capacity Assessment” set out in Section 5.6 of the RIS would appear inaccurate and misleading

Non-compliance with “C1” Zoning Objective

- It is set out that the development contravenes zoning objective LU1. The development is a low intensity scheme, not universally assessable from the Milltown road, consists of a monotonous low-profile design, was not accompanied by a professional landscaping plan or a tree survey, does not provide for an appropriate mix of uses and is not located within the Town Centre (proper).

Inefficient (unsustainable) use of zoned land

- It is set out that the Retail Design Manual reinforces the principle of ‘Higher density and mixed-use development creating a compact urban form’. The creation of a predominately stand-alone low-profile supermarket with large car park will result in a poor form of urban enclosure at this location.
- Such an inefficient use of zoned and serviced lands would be contrary to Objective ST 1 – Integrated land Use and Transport of the LAP.

Urban Design and Visual Impact

- Design and layout fail to address the site context on a primary access route to the town and also proposes to turn its back onto the River Nanny.
- The design is contrary to the urban design objective UDI-UD7 of the LAP and is inappropriate adjacent to the Architectural Conservation Area for Tuam.

Building Height

- The largely single storey development is contrary to the Urban Development and Building Height Guidelines (2018)

Inadequacy of Car parking and potential for Traffic Hazard

- The car parking required as per the development plan is 179 spaces however only 92 spaces have been provided. Such a significant shortfall in car parking is likely to generate haphazard car parking behaviour in the vicinity of the site and adjoining roads.
- Furthermore, the 10m set back requirement from the River Nanny has not been adhered to (Obj. NH8). Compliance with this would necessitate a further reduction in car parking.
- Access arrangements have the potential to conflict with the Homevalue hardware premises which accommodates heavy goods vehicles and forklifts resulting in potential conflicts between vehicular and pedestrian movements. It appears that the safety recommendations of the Road Safety Audit have been ignored.

Natural Heritage

- It is set out that no bat survey accompanied the NIS and Ecological Impact Assessment submitted although noting that bat species are likely to use the

riparian treeline on the River Nanny for commuting and foraging and potential roosting.

- No proposal to protect the trees along the River Nanny have been submitted in compliance with Objective NH 9 – Trees and Hedgerow of the LAP.
- Similarly, the 10m set back from the near riverbank as set out in Objective NH 8 has not been adhered to.

Excessive Signage

- The signage proposed is excess by reason of internal illumination and scale and would represent a distraction to road uses and a should be refused in the interest of visual amenity and traffic safety.

Flood Risk

- It is set out that the proposed ESB substation serving the site is located in Flood Zone B and the location of this electrical infrastructure within this Flood Risk zone is inappropriate and would be prejudicial to public health and safety.

6.2. Applicant Response

First Party response to Third Party Appeal

Edge of Centre Context and Impact on Primary Retail Area of Tuam

- It is set out that there is no defined ‘retail core’ designation set out in the Tuam LAP and the site is zoned ‘CI- Town Centre in the LAP.
- Given the location of the site in the centre of the Town, and as provided for in the Retail Planning Guidelines (RPG’S) 2012, there is no requirement to undertake a sequential test.
- The RPG’s identify large convenience stores as “requiring extensive open areas of floorspace together with adjacent car parking” and “large convenience goods stores should be located in city or town centres.....”

Retail Impact Assessment

- It is set out that all relevant convenience goods stores within the 15km catchment were included in the RIS

C1” Zoning Objective, Use of Land and Urban Design

- The development complies with objective LU 1 – Town Centre/Commercial (C1).
- The site currently has no street frontage and it is not considered to represent an efficient use of land at this town centre location.
- The use proposed is facilitated in terms of the land use zonings and development should be assessed on their own individual merits in terms of site location, size and topography.
- The scheme was revised at further information stage resulting in a high-quality urban design intervention facilitating a streetscape where possible despite the challenging site topography, in addition to facilitating the introduction of a café and the creation of a public open space adjacent to this.

Proposed Car Parking and Access

- It is set out that Table 13.5 of the Galway County Development Plan provides “for a flexible approach to car parking where such a case is substantiated, there is no traffic safety issue...”
- The Traffic Impact Assessment which supported this application identified that the development would not give rise to any operational traffic impact on the adjacent roads network
- It is further set out that car parking spaces are above standard size and a further 15 spaces could be provided if spaces were reduced to standard size and the layout revised accordingly.
- It is also set out that this operating model has been applied elsewhere in Galway and reflects the shopping turnaround times of patrons.
- In terms of overspill, it is set out that parking in Tuam is controlled by way of ‘Pay and Display’ designated parking adjacent to the eastbound carriageway of the R332, outside of these designated areas are double yellow lines which restrict parking.
- The Road Safety Audit informed the design process and it is set out that further Road Safety Audits will inform the construction process.

- It is also stated that the access arrangements off the R332 can be designed to incorporate all standards set out within the Design Manual for Urban Roads and Streets.

Natural Heritage

- It is clear from the Ecological Impact Assessment submitted with the planning application that direct effects on bats are not anticipated during the construction or operational phase of the development.
- The proposed development is set back approx. 7m from the riverbank and the Ecological Impact Assessment and Natura Impact Assessment submitted with the planning application concluded that the development would not have any impact on any ecological or environmental assets.

Signage

- The signage associated with the development has been carefully considered and would not constitute an undesirable precedent and would not serve as a distraction to road users.
- A reduction in the amount of signage would unreasonably impact upon the commercial presence of the development.

Flood Risk

- The electrical substation is proposed with a finished floor level of 33.17 OD to protect it against flood risk

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The development is the subject of a first party appeal in relation to condition no. 15 (Development Contribution) of the decision of Galway County Council dated 19/12/2019 and a third-party appeal in relation to the principle of the developemt.

7.1.2. I propose to address the first- party appeal first and progress to the third-party appeal.

7.1.3. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Planning Condition No. 15 – Development Contribution
- Principle of Development
- Site Location, Design and Layout
- Retail Impact Assessment
- Car Parking/Transport Issues
- Flood Risk
- Ecological Impact Assessment
- Appropriate Assessment

7.2. **Planning Condition no. 15 – Development Contribution**

7.2.1. The first party have lodged an appeal against condition no. 15 of the recommendation to grant planning permission issued by Galway County Council. Condition No. 15 required the applicant pay a contribution of **€39,044** to the Planning Authority towards expenditure in respect of public infrastructure and facilities as provided for in the approved Galway County Council Development Contribution Scheme 2016 (incorporating revised rates following application of indexation with effect from 1st August 2019), in accordance with Section 48 of the Planning and Development Act, 2000 (as amended).

7.2.2. The first party appeal is made under the provisions of Section 139(b) of the Planning and Development Act, 2000 (as amended), where the appeal relates only to a condition or conditions that the decision provides that the permission shall be subject to. The first party has requested that the appeal be limited to condition no. 15 only

stating that their appeal relates to the principle of levying a development contribution on the applicant and there is no requirement to consider that application 'de novo'.

- 7.2.3. In this regard section 48(10) (b) of the Planning and Development Act, 2000 (as amended) applies.
- 7.2.4. The first party clearly state that the applicant does not object or take issue with the methodology used in the calculation of the contribution but wishes to appeal the imposition of the development contribution as the applicant will also have to shoulder the cost of providing a two-metre widening of the R332, for a distance of 90m metres along a portion the northern site boundary. It is the applicant's contention that development contribution should be off set against this cost. (I will discuss the associated works in more detail in section 7.7 Car parking/Transport).
- 7.2.5. In this regard, the Development Management Guidelines are clear. The guidelines state that although there is no entitlement to appeal against the principle of attaching a condition formulated in accordance with a general or supplementary scheme, the contribution requirements of any such scheme may be the subject of a valid appeal where the applicant considers that the terms of the scheme in question were not properly applied. In this instance the applicant has no issue with the methodology used in the calculation of the contribution. Therefore, I am satisfied that satisfied that the planning authority has correctly applied the terms of the Galway County Council Development Contributions Scheme, 2016 (as amended) in the imposition of condition no. 15. I note it is also the applicant's intention to connect to the public infrastructure network.

7.3. **Principle of Development**

- 7.3.1. The appeal site is zoned 'Town Centre'. The zoning objective LU 1 – Town Centre/Commercial (C1) seeks to promote the development of the Town Centre as an intensive, well connected, high quality, well-landscaped, human -scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail, services, facilities and amenities to the local community and visitors. The zoning matrix sets out that shops – Large Scale Convenience/ Comparison Centre are *Permitted in Principle* on lands zoned C1.

- 7.4. The third party argue that the site located outside of the “Primary Retail Area” and should be categorised as “Edge of Centre” as defined under the Retail Planning Guidelines and the applicant should have carried out a sequential test. In this regard, I note the Retail Planning Guidelines (2012) informed the zoning provisions of the Tuam Local Area Plan 2018 – 2024 and given the location of the site in the centre of the Town, and as provided for in the Retail Planning Guidelines (RPG’S) 2012, there is no requirement to undertake a sequential test.
- 7.4.1. The site is located on a brownfield site and provides for the demolition of an existing warehouse structure and ancillary storage. The site is sufficiently removed from the Architectural Conservation Area and there are no protected structures in the immediate vicinity of the site.
- 7.4.2. The proposed development of a discount foodstore is, therefore, acceptable in principle, subject to the detailed considerations below.

7.5. Site location, Design and Layout

- 7.5.1. The third party appellants’ have raised the issue of design and it is contended that the design and layout of the store fails to address the streetscape and represents a low intensity scheme that does not provide for an appropriate mix of uses noting the existing level of vacancy within the town centre. It is argued that the development represents an inefficient use of zoned and serviced lands would be contrary to Objective ST 1 – Integrated land Use and Transport of the LAP.
- 7.5.2. The development relates to the construction of a discount foodstore and café/restaurant. Section 4.11.1 *Large Convenience Goods Stores* of the Retail Planning Guidelines (2012) acknowledges that large convenience stores are now an accepted element of retailing in cities and large towns and that they require extensive open areas of floorspace together with adjacent car parking. The guidelines further state that large convenience goods stores should be located in city or town centres or in district centres or on the edge of these centres. The location is therefore in accordance with the Retail Planning Guidelines (2012). The introduction of a café/restaurant use on the site reflects an ancillary and complementary use at this location. Furthermore, the provision of car parking is ancillary to the primary use.
- 7.5.3. The appeal site is located on the edge of the town centre zoning to the immediate north of the existing Tuam Shopping Centre, at the junction of two public roads and

linked to the wider town centre via a network of footpaths. I am satisfied that the **location** is acceptable, in principle, in line with Tuam LAP and the Retail planning Guidelines. I am also satisfied that owing to the nature of the development that the site location is appropriate and will not detract from the retail capacity or the vitality and viability of the of the main shopping streets of High Street and Market Square.

- 7.5.4. The **design** was revised at further information stage and relocated to the northwest of the site at the junction of the Ballygaddy Rd/Abbey Trinity Rd and the R332. The design reflects a two-storey structure at the corner of the site at the intersection of the two roads stepping to a single storey block form running in an west-east direction along the northern site boundary (R332) before increasing to two a two-storey block form at the proposed vehicular entrance. The primary aspect of the building addresses the intersection and the built form has been recessed to create a landscaping and paved area with external seating associated with the café/restaurant use. The front of the supermarket addresses the car park with the front door located to the east of the site adjacent to the access, as such each elevation has been appropriately considered. The design seeks to address the topography of the site, in particular, the level difference between the public road and the site. The overall mass has been stepped in parts along all elevations, in particular, along the northern site boundary and the introduction of varying external finishes serves to adequately reduce the impact of this linear elevation which is further enhanced by the introduction of additional hard and soft landscaping.
- 7.5.5. The third party contend that the **building height** is contrary to the Urban Development and Building Height Guidelines (2018). I do not agree. The site is located on the edge of the town centre zoning opposite predominately two-storey residential dwellings. I am satisfied that the scale, mass and contemporary design approach adequately addresses the site and allows for the appropriately scaled built form on the approach to the town stepping up to the more significant Tuam Shopping Centre to the south of the site and the Church spires beyond to the south and east of the site.
- 7.5.6. The third party also argue that the **signage** proposed is excessive by reason of internal illumination and scale and would represent a distraction to road uses and should be refused in the interest of visual amenity and traffic safety. The layout provides for two totem signs one on each public road fronting the site, in addition to

three gable signs and one shop window sign. No signage details have been submitted for a café element at the intersection of Ballygaddy Rd/Abbey Trinity Rd and the R332. Subject to appropriate external lighting, I am satisfied that the signage will not cause a distraction to road users or represent a visual intrusion. I have no issue with the nature and scale of the proposed signage.

- 7.5.7. In terms of the relationship with the **River Nanny** the third party argue that the development turns its back on the River. I do not agree in so far as the layout provides for a footpath adjacent to the river linking in with an existing bridge to the east of the site and the shopping centre to the south. It is proposed to retain the existing trees along the riverbank and buffer the development car parking from the river through additional low-level shrub planting. The provision of a pathway adjacent to the onsite car park will provide passive surveillance of the river and will enhance pedestrian movement, the visual aesthetic of the area and the amenity offered by the river. The layout provides for a seven-metre set back from the river and although the LAP stipulates 10 metres (Obj. NH8), I consider the seven-metre set back is acceptable and an improvement of the existing situation. I note the planning authority have no issue in this regard.
- 7.5.8. In conclusion, I am satisfied that the contemporary design adequately addresses the site context and the redevelopment of a brownfield site on lands zoned town centre in the Tuam LAP for a discount food store is acceptable at this location and will consolidate the urban form of Tuam.

7.6. **Retail Impact Assessment**

- 7.6.1. The third party argue that the Retail Impact Assessment fails to consider all large retail stores within the 15km radius and accordingly the “Capacity Assessment” set out in Section 5.6 of the RIS would appear inaccurate and misleading.
- 7.6.2. National and local retail planning policy, as set out in the retail planning guidelines and the retail strategy in the CDP, seeks to protect and enhance the vitality and viability of the town centres within the established retail hierarchy.
- 7.6.3. The site is zoned town centre and therefore is an appropriate location for the proposal, in the line with the hierarchy. My observations on site, and of surrounding areas, were that the appeal site is a natural continuation of the town centre and is within walking distance of other services in the town

7.6.4. I have reviewed the Retail Impact Assessment submitted with the planning application and the relevant catchment area, I note the assessment is based upon a Hybrid Catchment Model based on an approximate 15-minute drive time from Tuam town centre and takes account of the role of Tuam as a 'Hub' town for the surrounding area. It is set out that all relevant convenience goods stores within the 15km catchment were included in the RIS. The report indicates that there is ample convenience good expenditure capacity within the catchment. I am satisfied that the RIS has regard to all large retail stores within the catchment area.

7.7. Car Parking/Transport Issues

7.7.1. The third party argue that insufficient car parking has been provided to accommodate the development and this has the potential to create a traffic hazard. It is further argued that the shared access arrangements have the potential to conflict with the Homevalue hardware premises which accommodates heavy goods vehicles and forklifts resulting in potential conflicts between vehicular and pedestrian movements and it would appear that the safety recommendations of the Road Safety Audit have been ignored.

7.7.2. In response the first party set out that Table 13.5 of the Galway County Development Plan provides "for a flexible approach to **car parking** where such a case is substantiated, there is no traffic safety issue..." and that The Traffic Impact Assessment which supported this application identified that the development would not give rise to any operational traffic impact on the adjacent roads network. It is also set out that this operating model has been applied elsewhere in Galway and reflects the shopping turnaround times of patrons. In this regard, I note the town centre zoning and the proximity to 'pay and display' parking in the immediate vicinity of the site. I have no issue with the car parking provision on the site.

7.7.3. In term of the access arrangements and the implementation of the **Road Safety Audit**, I note the purpose of the RSA is to identify issues/problems that may have an adverse effect on road safety for all users as a result of the proposed development.

7.7.4. Item no. 6 and Item no. 7 of the further information issued by the planning authority required the applicant to address access arrangements and revise same to comply with national standards (DMURS) noting that the proposed point of access is not wide enough to accommodate HGV movements and is restricted by on-street car

parking and a yellow box junction. Item 7 requested an auto-track analysis and a stage 1/2 Road Safety Audit. Item 7 clearly stated that any recommendations arising shall be incorporated in the proposed development by amendment to the existing planning application or as a condition of planning permission, if granted. Item 7 further states that any additional works required as a result of the RSA shall be funded by the developer.

- 7.7.5. In response the applicant revised the access arrangements through the introduction of a 7.5metre radii within the bellmouth to reflect the standards set out within the Design Manual for Urban Road and Bridges. I have reviewed the RSA which includes a number of other problems and makes associated recommendations.
- 7.7.6. Notwithstanding, the Traffic Impact Assessment submitted, the Road Safety Audit and the auto tracking analysis, the recommendations and conclusions therein implemented by the applicant in response to the further information, the applicant was requested by Galway County Council Roads Section via the Planning Section, to provide for a two-metre widening of the R332, for a distance of 90m metres along a portion the northern site boundary. The applicant argues that this was not raised during any pre-planning consultations or in the request for further information.
- 7.7.7. The applicant sets out that while they facilitated this request as per submission to Galway County Council as unsolicited further information on 19th December 2019, it is argued that the development from any technical design standpoint did not trigger or require the widening of the R332 and there is no policy or objective in the Galway Country Developemt Plan or the Tuam Local Area Plan which sets out the requirement to widen the R332.
- 7.7.8. The R332 runs along the northern site boundary and the site is accessed form this road. My onsite observations indicated that a portion of the public carriageway on R332 is a maximum of 4.5m metres in width with on-street carparking located along the northern side of the road. It was evident on the day of my site inspection that two cars could not pass side by side along this stretch of the R332 which includes the vehicular access/egress to the site. The RSA submitted with the planning application did not raise the restricted width of the public road at this location to be a problem. I further note that the Traffic Impact Assessment states that the public road is 6m wide. This is not the case.

- 7.7.9. Figure 4.4.5 Carriageway widths of the Design Manual for Urban Roads and Streets (DMURS) establishes 6-6.5m width for multi lane Arterial and Link streets. The width of the existing R332 at its minimum is 4.5metres. This is not sufficient to allow for the safe passing of two vehicles and in this instance large HGV movements. This is a matter that should have been addressed as part of the RSA submitted in response to the further information issued by the planning authority and the scheme revised accordingly.
- 7.7.10. In this regard, I consider the RSA submitted by the applicant fails to address the inadequate width of the carriage way along the northern site boundary and make appropriate recommendations to address same as requested by the planning authority. Whilst, I note no further Roads reports on the file, it would appear the applicant was requested to address this matter by way of unsolicited further information and revised drawings submitted as reflected in the condition no. 1 and condition no. 2 attached by the planning authority. I am satisfied that the matter should have been addressed by the applicant as part of the TIA and, in particular, the RSA submitted, and the onus was on the applicant to do this.
- 7.7.11. Accordingly, should the Board be minded to grant planning permission for the development, I consider conditions no. 2 relating to the works along the R332 should be repeated in this instance and the work carried out at the applicants expense as such works are required to facilitate the development, in the interest of traffic safety as a result of the increased traffic generated by the development. I am satisfied that is an acceptable approach and will be subject to additional RSA assessment during the detail design and construction phase.

7.8. **Flood Risk**

- 7.8.1. A site-specific **Flood Risk** Assessment was carried out. The site is situated on the right bank of the River Nanny. The FRA determined a portion of the site adjacent the River Nanny is in Flood Zone B with the lands immediately adjacent located within Flood Zone A. It is set out that the footprint of the building is located in Flood Zone C.
- 7.8.2. I note the proposed development is defined as a less vulnerable development with the Flood Risk Management Guidelines and therefore suitable for Flood Zones B and C. As such a justification test is not required.

- 7.8.3. The predicated 1000year flood level on site varies from 31.8 to 32.2 OD (west to east) producing a maximum flood depth of 0.2m within the development footprint. The recommended minimum finish floor level for development on the site is the 100 year with factorial error and climate change allowance flood level of 32.67OD plus a freeboard allowance of 0.5m.
- 7.8.4. The proposed Electrical Substation is located towards the southeast end of the site in Flood Zone B. The third party argue that the proposed location of this electrical infrastructure within this Flood Risk zone is inappropriate and would be prejudicial to public health and safety. The electrical substation is proposed with a finished floor level of 33.17 OD is raised to protect against the 100 year with climate change and suitable freeboards allowance to minimise flood risk.
- 7.8.5. It is noted that the Planning Authority raised no concerns regarding the proposed development. I have reviewed all the submitted relevant documentation and I would conclude that the proposed development would adequately satisfy the flood risk concern.

7.9. **Ecological Impact Assessment**

- 7.9.1. An Ecological Impact Assessment has been submitted with the application. This has regard to Desk Study and Field Surveys. These include regard to habitats, including water courses, flora and fauna on site. Table 4.8 sets out Key Ecological Receptors identified during the assessment and Table 5.1 sets out the Impact Characterisation for Ecological Receptors Based on EPA (2002).
- 7.10. Habitats identified within the development site include dry meadows and grassy verge (GS2) running around the northern perimeter of the site inside the fences. A treeline (WL2) *Leylandii* along the western side boundary and the remains of an old building and stone walls(BL1) form part of the southern side boundary. The River Nanny runs adjacent to the southern side boundary. The river is classed as an Eroding/Upland River (FW1) approx. 2.5-3 metres in width. It is bordered by a Treeline (WL2) on its northern bank. It is noted that the site does not provide suitable habitat for wintering wildfowl, or protected breeding bird species. No signs of protected fauna were recorded within the study area.
- 7.10.1. The report sets out that best practice techniques will be employed during construction and operational phase to protect the River Nanny. Surface water will continue to

discharge to the River Nanny but at a reduce, controlled rate. A site-specific surface water management plan was submitted with the planning application.

7.10.2. The third party have expressed a specific concern regarding the impact on bats in so far as no bat survey accompanied the NIS and Ecological Impact Assessment submitted although the reports note that bat species are likely to use the riparian treeline on the River Nanny for commuting and foraging and potential roosting. In this regard, I note there will be no loss of the riparian treeline adjacent to the development site as a result of the development.

7.10.3. It is concluded in the Report, that given the mitigation proposed for the predicted impacts as described in the documentation submitted that the proposal will not result in adverse impact on the ecology in the local or wider environment.

7.11. **Appropriate Assessment**

Stage 1 Screening

7.11.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. A Natura Impact Statement accompanied the application documentation received by the Board. The NIS submitted provides a description of the development. The site is described in section 2.2 noting that it is the builders yard associated with an existing hardware store and works will require the demolition of the existing storage areas, warehousing and the removal of concreted areas, external oil storage and tarmacaded areas. It is noted that the roof covering of the existing buildings are made of Asbestos containing Materials (ACM). It is set out that the removal and disposal of this hazardous material will be handled by specialist contractors.

7.11.2. Figures 3.1 of the NIS illustrates the SPA's and SAC's within 15km of the site.

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected

<i>European Site</i>	<i>Site Code</i>	<i>Relevant QI's and CI's</i>	<i>Distance</i>
Lough Corrib SAC	000297	Oligotrophic waters containing very few minerals of sandy	c.1.8km

		<p>plains (Littorelletalia uniflorae), Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea ,Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. .Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation ,Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) ,Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) ,Active raised bogs, Degraded raised bogs still capable of natural regeneration, Depressions on peat substrates of the Rhynchosporion, Calcareous fens with Cladium mariscus and species of the Caricion davallianae, Petrifying springs with tufa formation (Cratoneurion) , Alkaline fens Limestone pavements, Old sessile oak woods with Ilex</p>	
--	--	---	--

		and <i>Blechnum</i> in the British Isles, Bog woodland, <i>Margaritifera</i> (Freshwater Pearl Mussel), <i>Austropotamobius pallipes</i> (White-clawed Crayfish), <i>Petromyzon marinus</i> (Sea Lamprey), <i>Lampetra planeri</i> (Brook Lamprey), <i>Salmo salar</i> (Salmon), <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat), <i>Lutra lutra</i> (Otter), <i>Drepanocladus vernicosus</i> (Slender Green Feather-moss), <i>Najas flexilis</i> (Slender Naiad).	
Lough Levally SAC (000295)	000295	Turloughs	8.8km

7.11.5. The Stage 1 AA screening report concluded that the site is not located within any European Designed Site. It is set out that no species listed on Annex II or IV of the EU Habitats Directive were identified. Furthermore, no evidence of badger activity was found in the vicinity of the site. Similarly, no evidence of bat species was found in trees along the southern site boundary although it is proposed to retain these trees as bat species are likely to use the riparian treeline on the river for commuting. It is further noted that lesser horseshoe bat summer roost for which Lough Corrib SAC was designated is located approx. 20km from the development site and outside of core foraging range (2.5km). The site is an urban brownfield site and no pathways for indirect effects on terrestrial habitats were identified.

7.11.6. It is noted that the hydrogeological connection does not pass through the Lough Levally SAC (000295). Lough Levally SAC (site code 00295), is located 8.8km from the proposed site. It is set out that the European site is located upgradient of the

works and because of the significant distance separating the development site and Natura sites there is no pathway for loss or disturbance of habitats. I would agree

7.11.7. Table 3.1 highlights the hydrological pathway from the appeal site to Lough Corrib SAC. Potential indirect effects on the Lough Corrib SAC relates to sediment laden surface water run-off entering the Nanny River located to the south of the site, and ultimately entering Lough Corrib SAC. In the absence of mitigation measures, it is not possible to rule out impacts on water quality which could negatively impact on water sensitive qualifying interests of the SAC.

Conclusion on Screening

7.11.8. I have outlined in the table above the sites within c.15km of the subject site and provided the Board with information on the sites within the area. However, I concur with the applicant's agent that only one site has a potential hydrogeological connection to the subject site that being: - Lough Corrib SAC. Lough Levally SAC is such a distance and/or have no pathway such that any potential impact could not be considered to have a potential adverse effect.

Therefore, it is reasonable to conclude that on the basis of the information on the file which I consider adequate that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Lough Levally SAC (000295).

On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is not possible to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 000297, or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment is therefore, required.

Appropriate Assessment – Stage 2 NIS

Introduction

7.12. As outlined in the screening undertaken above, this AA relates to the following site:

- Lough Corrib SAC 000297

Lough Corrib SAC

- 7.12.1. Lough Corrib SAC located 1.8km west of the appeal site. The site synopsis states Lough Corrib is situated to the north of Galway city and is the second largest lake in Ireland, with an area of approximately 18,240 ha (the entire site is 20,556 ha). A number of rivers are included within the SAC as they are important for Atlantic Salmon. These rivers include the Clare, Grange, Abbert, Sinking, Dalgan and Black to the east, as well as the Cong, Bealanabrack, Failmore, Cornamona, Drimneen and Owenriff to the west. In addition to the rivers and lake basin, adjoining areas of conservation interest, including raised bog, woodland, grassland and limestone pavement, have been incorporated into the site.
- 7.12.2. Potential Effects and Proposed Mitigation indirect effects on the Lough Corrib SAC relate to:
- Detrimental change to water quality as a result of the proposed development as a result of sediment laden surface water run-off entering the Nanny River on the southern site boundary which has surface water connectivity with Lough Corrib SAC and would affect the habitats or food sources for which the Lough Corrib SAC species is designated. In the absence of mitigation measures, it is not possible to rule out impacts on water quality which could negatively impact on water sensitive qualifying interests of the SAC.
- 7.12.3. At Section 4 of the NIS, the authors address the likely significant effects on each of the relevant features of interest within the zone of influence of the project with Table 4.1 setting out the potential for significant effects on the European Site. I propose to address the matter by way of addressing the potential effects and will reference where appropriate particular qualifying interests.

Water Quality

Potential impacts include contaminants entering the waters of Lough Corrib impacting on the water quality and qualifying interest species arising from surface water run-off, or impacts from foul water effluent storage, collection and disposal.

The NIS recommended sediment control mitigation measures to protect the environment from pollutants. These include the use of silt fencing between the development site and the River Nanny comprising wooden posts and a geotextile

membrane buried below ground. The fence will remain in place until works are completed and until the exposed earth has revegetated. Surface water will be managed in accordance with a surface water management plan, a settlement area for treatment of pumped water from excavation and silt Landen surface water will be established consisting of silt fence material surrounding by sandbags. A dewatering bag will be fitted at the discharge point. Appropriate bunding of storage tanks (fuels, oils, greases and hydraulic fluids) will be implemented and the site compound for refuelling, plants and equipment etc will be located 30m from the watercourse. Adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks.

The full implementation of mitigation measures and adherence to best practice will ensure that downstream water quality is protected. Therefore, no adverse effects on this Qualifying Interest are anticipated.

Otter

A deterioration of water quality and consequent reduction of fish stock and prey on which the otter depends, could present a threat to the population.

The full implementation of mitigation measures and adherence to best practice will ensure that downstream water quality is protected and commuting routes along watercourses will not be affected. Therefore, no adverse effects on this Qualifying Interest species are anticipated.

Fresh Water Pearl

The conservation objective for freshwater pearl mussel in the SAC applies to the Ownerriff River located in a separate sub-catchment. Therefore, there is no pathways or effect on the freshwater pearl

Conclusion

Having regard to the nature and scale of the proposed development, notwithstanding the presence of an aquatic connection to a European site via the nearby River, and to the nature of the qualifying interests and the conservation objections, it is my opinion that the proposed development, subject the full implementation of the mitigation measures and compliance with best practice methodologies during the construction

phase, would not have the potential to affect the Lough Corrib SAC and the conservation objectives.

It can be reasonably concluded on the basis of best scientific knowledge therefore that the proposed development will not adversely affect the integrity of Lough Corrib SAC.

Appropriate Assessment conclusion:

I consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site 000297 any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

I recommend that permission be granted for the reasons and considerations below:

9.0 Reasons and Considerations

Having regard to: -

(a) The Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012

(b) The policies and objectives of the Galway County Development Plan 2015-2021 including the Tuam Local Area Plan 2018-2024, and the Galway County Development Contribution Scheme 2016 (as amended);

(c) the pattern of development in the area;

(d) the nature, scale and design of the proposed retail development;

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not lead to an increased flood risk on the site and surrounding areas, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 to the planning authority on the 22nd November 2019 and 19th December 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, the developer shall submit to the Planning Authority for agreement in writing the following:
 - (a) Design proposals for the widening of a section of the R332 to provide for a minimum of a 6-metre-wide carriageway with the existing parking bays retained. The development shall thereafter be carried out in accordance with the approved details.
 - (b) A Stage 3 Safety Audit shall be completed by the developer on the final scheme and submitted to the Planning Authority for agreement in writing.

Reason: In the interest of traffic safety.

3. (a) Visibility splays, new access points, internal road surfaces and parking areas serving the proposed development shall comply with the detailed standards of the planning authority for such works. In this regard, detailed proposals for same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The vehicle parking and turning areas indicated on the plans submitted to the Planning Authority shall be laid out, surfaced and drained prior to the use of the building hereby granted or as otherwise agreed with the Planning Authority.
 - (c) The area indicated as car parking on the plans submitted to the Planning Authority shall be reserved exclusively for the parking of cars and shall not be

used for the storage of goods or materials, including containers, or for the setting down of goods awaiting collection at any time unless otherwise agreed with the Planning Authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

5. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. 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, in particular, the disposal of asbestos on site, 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.

7. 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 site security fencing and hoardings,

- (b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (e) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- (f) details of on-site re-fuelling arrangements, including use of drip trays,
- (g) details of how it is proposed to manage excavated soil, and
- (h) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

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 environmental protection, amenities, public health and safety.

8. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

9. No additional advertising signs, flags, symbols, emblems, logos or other advertising devices other than signs indicated on plans submitted to the Planning Authority shall be erected externally on the building or anywhere on the site without a prior grant of permission from the Planning Authority

Reason: In the interest of visual amenity.

10. Comprehensive details of the proposed external and internal lighting scheme to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external lighting shall be directed away from the public road and from residential properties in the vicinity. Lighting shall be minimised outside of business hours.

Reason: To protect residential amenities and in the interest of traffic safety.

11. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.
- (e) Proposals to protect the existing trees along the southern site boundary adjacent to the River Nanny

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity

12. 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 the

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.

Irené McCormack
Planning Inspector

10th May 2020