



An
Bord
Pleanála

Inspector's Report

ABP-310695-21

Development	Demolition of warehouse and construction of a supermarket and 75 car spaces.
Location	Property adjacent and generally south of "The Range" store, Clonshaugh Road, Coolock, Dublin 17, D17 TY30
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3865/20
Applicant(s)	Lidl Ireland GmbH
Type of Application	Permission
Planning Authority Decision	Granted Permission
Type of Appeal	Third Party Appeal
Appellant(s)	Drive Investment Funds PLC
Observer(s)	None
Date of Site Inspection	1 st September 2021
Inspector	Susan Clarke

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1.0 Site Location and Description

- 1.1. The site is located south of 'The Range' store on Clonshaugh Road, northwest of Coolook village and Northside Shopping Centre (NSC) and has an area of 0.6709ha. The site accommodates a single storey warehouse (identified in the planning documentation as 'Building B') that is currently being used as temporary storage space associated with 'The Range' (identified as 'Building A'). The site also accommodates a service area and yard also associated with 'The Range'. The site is accessed directly from Clonshaugh Road from two access/egress points.
- 1.2. The site is located north of Santry River. Clonshaugh Road runs west of the site with residential development located further beyond that. Planning permission was recently granted to develop a data centre (Reg. Ref. 2229/19) on the lands immediately west of the site. Development in the vicinity of the site is mixed in nature; the lands located northwest of the site are industrial (Clonshaugh Business & Technology Park), whilst the wider lands located east and south of the site comprise *inter alia* expansive well-established residential areas, commercial, educational, retail, and recreational uses.
- 1.3. Planning permission has recently been granted to construct an extension along the northern elevation of the 'The Range' to provide for the storage of goods associated with the unit (Reg. Ref. 3529/19). It is understood that planning permission will also be sought in the near future to extend this unit along the southern elevation. Whilst no plans have been furnished to the Board of the future proposal, it is understood that should permission be granted for the development and the subject proposal, the developments would abut one another. At the time of writing this report, there were no records of a planning application to provide a southern extension to 'The Range'.

2.0 Proposed Development

- 2.1.1. The proposed development consists of:
 - Demolition of a single storey detached warehouse unit measuring 1,172 sq m;
 - Construction of a single storey discount food store (supermarket) with ancillary off-licence sales area;
 - 75 No. surface car parking spaces and 24 No. bicycle parking spaces;

- Trolley bay canopy;
- Roof mounted photo-voltaic panels;
- Hard and soft landscaping, and boundary treatments;
- External loading bay and delivery area;
- Advertising signage;
- ESB substation building and plant areas;
- Lighting, attenuation and drainage works; and
- Ancillary site works to facilitate the development.

The proposed discount food store will have a gross retail area of 2,376 sq m and net sales area of 1,643 sq m. The off-licence area will measure 86 sq m (5.2% of the net sales floorspace).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. A Notification of Decision to Grant Permission was issued on 3rd June 2021, subject to 18 No. conditions. Condition No. 6(d) requires that the Santry river corridor public open space lands will be protected from impacts as a result of the development, except for permitted landscape works in accordance with the agreed landscape scheme.

3.2. Planning Authority Reports (05.02.2021 and 01.06.2021)

The Planning Officer considered that there is no need for a sequential test as the development is largely located on 'Z4' lands. Furthermore, the Planning Officer considered that the proposed additional 705 sq m of net sales area would contribute to the area's vitality and viability. It was stated that the net sales cap for the Level 3 centre has not been achieved, noting also that the net and gross retail floor areas previously permitted under Reg. Ref. 5950/07 have not realised. It was considered that the proposal would complement the comparison line of goods offered by 'The Range' and 'traditional' convenience good providers in the vicinity, which would make the area more attractive for local shoppers. It is stated that the development would not be a long-term impediment to any future comprehensive redevelopment of the KDC.

It was noted that the off-licence element of the proposal would be consistent with the applicable Development Plan policy. The proposed glazed façade would provide a degree of natural supervision adding to the vitality of the area. It is stated that the proposal will not change the existing usage of the southern entrance, access way and parking areas of the lands that happen to be zoned Z9. It was considered that there would be no significant impact on nearby residential areas in terms of overlooking, visual intrusion, and daylight and sunlight impacts.

Further Information (dated 5th February 2021) was requested in relation to two matters:

1. Revised Glint and Glare Assessment which considers aviation receptors required to demonstrate that the proposal would not adversely affect aircraft safety; and
2. Landscape Report and Master Landscape Plan required.

A response to the RFI was submitted to the Local Authority on 7th May 2021. The RFI Response included correspondence from IAA advising that a revised Glint and Glare study was not required. In addition, a Landscape Masterplan and Landscape Report were submitted with the RFI. It was advised that the Applicant acquired undeveloped lands (zoned Z9) to the south of the site and requested that this area be 'covered' by a condition for landscape upgrading works. Furthermore, a drawing entitled '*Refrigeration Plant Detail Layout*' was submitted with the RFI Response.

In conclusion, the development was considered to be consistent with the Development Plan and planning permission was granted subject to condition.

3.3. Other Technical Reports

- **Transportation Planning** (22nd January 2021): No objection subject to conditions including that a minimum of four accessible parking bays shall be provided and a traffic management plan is submitted as compliance with a Demolition, Construction Management Plan.
- **Environmental Health Officer** (11th January 2021): No objection subject to conditions.
- **Engineering Department – Drainage Division** (22nd December 2020): No objection subject to conditions.

- **City Archaeologist** (6th October 2020): No objection subject to conditions
- **Parks' Department:** (4th February 2021): Reservations on the application as it proposed to use Z9/Conservation Areas lands as a means of access/parking. Requests that a revised access route layout to Clonshaugh Road to exclude the use of the Z9 lands and submit a landscape report and master landscape plan.

3.4. Prescribed Bodies

Dublin Airport Authority: Request for a revised Glint and Glare Assessment that considers aviation receptors to demonstrate that the proposal would not adversely affect aircraft safety. It is considered vital that the views of the IAA are taken in account having regard to the new and old Air Traffic Control Tower.

Irish Water: None received.

3.5. Third Party Observations

3.5.1. Three Third Party Observations were made in respect of the application:

- 1) Tesco Ireland Limited, Gresham House, Marine Road, Dún Laoghaire, Co. Dublin;
- 2) Drive Investment Funds PLC, owners of Northside Shopping Centre, Oscar Traynor Road, Dublin 17; and
- 3) Musgrave of Lucan, Newcastle Road, Co. Dublin.

3.5.2. The key points from the Observations can be summarised as follows:

- Contravenes the Z4 zoning objective,
- Provides for poor urban design,
- Represents significant underdevelopment on a Key District Centre site that requires a greater mix of uses,
- Site requires a greater mix of uses,
- Proposal will increase traffic congestion,
- No active frontage, and

- No public benefit for the wider area.

4.0 Planning History

4.1. Subject Site

An Bord Pleanála Ref. PL29N.229202 (DCC Reg. Ref. 5950/07): Ten-year planning permission for development to create a new Northside Town Centre comprising a mixed-use retail, office, residential, restaurant, bar, creche, community and recreational development over two phases on a 30.28 ha site. Phase 1 included the development of a new shopping centre on the subject site, while Phase 2 included for the redevelopment of the existing NSC. Permission was granted on 15th May 2009, but has since expired. This application related to the subject site, NSC and lands to the south of the Oscar Traynor Road.

4.2. Neighbouring Sites

Dublin City Council Planning Authority Reg. Ref. 3529/19: Construction of a 429 sq m extension to 'The Range' at Clonshaugh Road, Coolock, Dublin 5. Granted permission on 22nd October 2019.

Dublin City Council Planning Authority Reg. Ref. 2229/19: Demolition of industrial building and construction of two storey data centre. Granted permission 5th July 2019.

5.0 Policy Context

5.1. National Policy

Retail Planning Guidelines for Planning Authorities (2012)

The Guidelines states that the role of a district centre is to provide a range of retail and non-retail service functions (e.g. banks, post office, local offices, restaurants, public houses, community and cultural facilities for the community at a level consistent with the function of that centre in the core strategy. They should not serve as a retail destination in their own right sufficient to adversely impact on the city/town centre to which they are subservient. They can be purpose built serving new or expanding suburbs or traditional serving long established communities.

The need for additional retail development in particular district centres to serve future population growth or for any significant extension to an existing district centre should be identified in the development plan and be based on a significant growth in population in the intended location or on a demonstrable level of under-provision of retailing or other services to meet the regular convenience and lower order comparison shopping needs of new communities as provided for and quantified by the relevant core strategy

A supermarket is defined as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500 sq. metres.

Retail Design Manual (2012)

This document sets out a planning framework for future development of the retail sector in a way which meets the needs of modern shopping formats while contributing to protecting and promoting the attractiveness of town centres.

5.2. Local Policy – Dublin City Development Plan 2016-2022

The site is subject to land use zoning Z4 ‘District Centres (incorporating Key District Centres)’ which has the objective ‘*To provide for and improve mixed-services facilities*’. District centres, which include urban villages, provide a far higher level of services than neighbourhood centres. To maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening.

The subject site is located within one of eight designated Key District Centre (KDC), Northside Shopping Centre as shown on Map K attached to the CDP. Section 14.8.4 of the CDP sets out the development principles for KDCs. District Centres and KDCs have or will have the capacity to deliver on a range of requirements, the most important of which are:

- An increased density of development
- A viable retail and commercial core
- A comprehensive range of high-quality community and social services
- A distinctive spatial identity with a high-quality physical environment.

'Shop (District)' is listed as a 'permissible use' on the lands and is defined as "*A shop (excluding retail warehousing) which is larger in scale and more varied in what it may sell than a neighbourhood shop, and therefore serves a wider area, including the district centres. A district centre would usually contain at least one food supermarket or superstore and non-retail services*". In addition, 'off-licence' is also listed as a 'permissible use'.

As outlined in Section 3.2 above, as part of the RFI Response the Applicant proposed that land immediate south of the site be conditioned for landscape upgrading works. This area is zoned Z9 'Amenity/Open Space Lands/Green Network', which has the objective '*To preserve, provide and improve recreational amenity and open space and green networks.*' This area is also highlighted as a Conservation area, however from review of the Local Authority's Planner's Report, this would appear to be a mapping anomaly. It is also worth noting that the southern access point to the site is located within the lands zoned Z9, however there are no works proposed to this area to facilitate the development.

Chapter 7 of the CDP refers to 'Retailing'. It contains a number of policies and objectives that are of relevance when considering applications for retail development including *inter alia*:

RD17: To promote active uses at street level on the principal shopping streets in the city centre retail core and in Z4 district centres and having regard to the criteria for category 1 and category 2 streets and special planning control areas.

RD19: To promote the retail provision in the key district centres, district centres and neighbourhood centres, including the revitalisation of existing established centres.

RD21: To promote and facilitate competition and innovation in the retail and other service sectors to the benefit of competitiveness and the consumer, as an integral part of the proper planning and sustainable development of the city.

Appendix 3 sets out the City's **Retail Strategy**. It is noted that sequential testing is not required where retail development over c. 2,000 sq m is proposed on Z4 (District Centre) lands.

Chapter 16 outlines the Development Management Standards including *inter alia* plot ratio, site coverage, car parking standards and bicycle parking standards. Section 16.28 sets out the policy context for off-licences.

5.3. Natural Heritage Designations

None.

6.0 The Appeal

An appeal has been lodged by Drive Investment Funds PLC, No. 70 Sir John Rogerson's Quay, Dublin 2.

The grounds of which can be summarised as follows:

- The proposal for a single use, single storey development represents an under development and underutilisation of this Key District Centre site. The proposal fails to meet any of the criteria required for new development in key District Centres, and therefore clearly materially contravenes the Z4 zoning objective for the site.
- Given the site context, with no residential uses immediately adjacent, there would be no barriers to increased heights at this location and as such the development represents a lost opportunity to provide a mixed-use development of increased density and employment opportunities as required by the Z4 zoning objective.
- Northside Shopping Centre's anchor tenant Heaton's Department Store has exercised its break clause. It is suggested that Lidl could occupy this space (1,550 sq m) to ensure the viability of the Centre remains.
- Concern that insufficient parking demand analysis has been undertaken to support the proposal and that it does not adequately assess the impact of a significant new supermarket on the usage of the existing car parking in the wider area. The analysis is not supported by any existing car park usage surveys.
- The proposal will contribute further to congestion on the Oscar Traynor Road. Furthermore, the traffic increase of 20% resulting from the development on the Clonsaugh Road is concerning. The suitability of such a car dependent use at

this location and whether the increased congestion is justified given the single use in a KDC is questioned.

- The development fails to demonstrate how the proposal constitutes a positive urban design response and will lead to a development with poor active frontage to Clonshaugh Road.
- The proposal continues the 'out-of-town warehouse' design aesthetic that is not suitable to a district centre location and fails to meet the criteria of Section 16.10.4 of the Development Plan.
- Undercroft car parking could be utilised to improve the urban design and remove the visual presence of car parking. As the Applicant has previously demonstrated that the traditional discount food store format can be adapted for tight urban locations, it is considered appropriate in this instance, given the strategic importance of the site within a KDC that the Applicant should incorporate modern design standards in order to maximise the development potential, mix of uses, and density of the site.
- There will be little to no public benefit for the wider area associated with the development with no new community facilities, no public realm enhancements or provision of open spaces.
- The subject development would be a significant departure from the precedent set under Reg. Ref. PL29N.229202 (DCC Reg. Ref. 5950/07).

6.1. Planning Authority Response

None.

6.2. First Party Response to Third Party Appeal

Tony Bamford Planning submitted a First Party Response to the Third-Party Appeal on behalf of Lidl Ireland GmbH to An Bord Pleanála on 26th July 2021. The key points in the Response can be summarised as follows:

- The subject site and car parking on the premises including the access points are owned by 'The Range'.

- The Range has been operating north of the site for three years and has no plans to vacate the premises. On the contrary, it is intended to extend the premises.
- The proposal will have a higher density than the permitted datacentre (Reg. Ref. 2229/19). Furthermore, the proposal will increase the site's density.
- The proposed development complies with Section 14.8.4 of the Development Plan. The site has strong links to the NCS unlike the datacentre.
- The Planning Authority affirmed that the store must be orientated so that the front elevation faced east towards Clonsaugh Road. This facilitated maintaining the access points and avoided developing in the lands located immediately south of the site that are zoned Z9.
- It is contended that the higher density blocks of residential development permitted under Reg. Ref. 5950/07 can still be achieved as part of the wider aims of the KDC. It is argued that this would be a preferable location for residential development than beside the 'big box retailer' and datacentre.
- The NSC has been extended and upgraded under Reg. Refs. 2848/13 and 3258/13, notwithstanding that Reg. Ref. 5950/07 was live at the time.
- It is understood that Heatons is interested in remaining in the NSC subject to the negotiation of more favourable lease terms.
- The Heatons store in NSC would not be suitable for the Applicant or its customers being located over three floors.
- The Appellant has failed to provide professional evidence that the traffic impact will be anything other than acceptable.
- The use of The Range's car park for overflow from NSC is appropriate and highly sustainable.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the planning application and Third-Party Appeal, and inspection of the site, and having regard to relevant local/regional/policies and guidance, I consider that the main issues on this appeal are as follows:

- 1) Zoning and Policy Objectives;
- 2) Urban Design and Mix of Uses;
- 3) Traffic; and
- 4) Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. Policy and Zoning Objectives

- 7.1.1. The site is zoned Z4 'District Centres (incorporating Key District Centres)' which has the objective '*To provide for and improve mixed-services facilities*'. Furthermore, the site is located within the designated Northside Shopping Centre KDC. 'Shop (District)' and 'off-licence' are listed as permissible uses on the lands. I consider the principle of the development to be acceptable in terms of land use zoning, subject to normal planning consideration.
- 7.1.2. The Appellant argues that the single storey development represents an underdevelopment and underutilisation of the KDC, particularly having regard to the scale of development previously permitted on the site under Reg. Ref. 5950/07. Furthermore, it is argued that the development is not consistent with the policy objectives for the KDC. In addition, the Appellant contends that the proposal does not comply with site's zoning objective to provide (1) increased density of development, (2) viable retail and commercial core, (3) comprehensive range of high-quality community and social services, and (4) a distinctive spatial identity with a high-quality physical environment. The Applicant rebuts this by stating that the proposal will (1) increase the density of development on the site and that owned wider by The Range; (2) will enhance the viability of the retail core by attracting and sustaining retail visits from other discount food stores that are not as centre relative to the District Centre and KDC; (3) provide a new food store proximate to more public transport and shops and will add to the range of services in the area; and (4) will enhance the physical quality of the site relative to its current state and help address the spatial identity of the wider site. I concur with the Applicant in this regard. The proposed development, in addition to the two extensions to The Range, will contribute to the consolidation of the site. The development will ensure a more effective utilisation of the site. Furthermore, it will provide the District Centre with an additional convenience anchor

store and will enhance the viability of the KDC. It will strengthen the KDC as a focal point for nearby residential areas to the south and east of the site.

- 7.1.3. I do not consider that the proposed development is contrary to the wider retail policies in the Development Plan as outlined in Section 5.2 above. As the development is located within a District Centre sequential testing is not required. In my opinion, the proposal specifically delivers upon Policy RD19 that seeks 'to promote the retail provision in the Key District Centres, District Centres and Neighbourhood Centres, including the revitalisation of existing established centres'. It is understood that prior to the use of the existing building recently as storage for 'The Range', the unit has been vacant for some time and thereby not contributing to the vitality or viability of the area. As highlighted by the Local Authority Planning Officer, the Level 3 Centre has not achieved its net sales cap. I consider that the development will positively contribute to the promotion and facilitation of competition and innovation in the District Centre. In my opinion, it will strengthen the links between the subject site and the NSC, which will improve the commercial synergy of these two sections of the KDC.
- 7.1.4. In relation to Reg. Ref. 5950/07, I note that this permission has now expired. Furthermore, there was no planning application made to attempt to extend the life of the permission before expiry. It is understood from the planning history of the lands that the Applicant, N1 Property Developments Ltd, went into receivership and the site was subsequently subdivided and sold. The subject site was originally zoned Z6 before permission was granted for Reg. Ref. 5950/07. The lands were later zoned Z14 under a variation (No. 6) to the Dublin City Development Plan 2005-2011. Following the grant of permission for Reg. Ref. 5907/07, the lands were rezoned again to Z4. Planning permission has been granted for a datacentre on the lands immediately west of the site that are similarly zoned Z4 and located within the KDC. In addition, as highlighted in the First Party Response planning applications have been subsequently made and implemented to redevelopment parts of the NSC. I am not aware of any plan that would seek to redevelop the KDC in a similar manner to that permitted under Reg. Ref. 5950/07.
- 7.1.5. In relation to the use of the Heatons store in the NSC by the Applicant, I consider there is sufficient justification for the proposal on the subject site having regard to the District Centre zoning. I reiterate that sequential testing is not applicable to District Centres.

7.1.6. In conclusion, I consider that development is consistent with the site's land use zoning objective and retail policy in the Development Plan. In my opinion, having regard to the passage of time, land ownership, and the scale and nature development in the interim years in the KDC, it is not reasonable to require the Applicant to achieve the same level and mix of development as that permitted under Reg. Ref. 5950/07. I agree with the Local Authority Planning Officer that the proposed development cannot be expected to carry the aspirations for the KDC on its own. Furthermore, whilst the scale of the development proposed under Reg. Ref. 5950/07 may have achieved the policy objectives for the KDC, there is no preclusion of a somewhat smaller scale development with realistic expectations for implementation equally achieving the policy objectives. In my opinion, to refuse development such as that proposed pending the adoption of a new proposal to redevelop all the lands comprising the KDC would be contrary to the zoning objective and would ultimately adversely impact the short to medium-term vitality and viability of the area. Having regard to the foregoing, I consider that the proposed development is consistent with the policies and objectives of the Development Plan and is consistent with the proper planning and sustainable development of the area.

7.2. Urban Design and Mix of Uses

- 7.2.1. The Appellant argues that the proposal fails to demonstrate how the development constitutes a positive urban design response and contends it will lead to poor active frontage to Clonshaugh Road that will be characterised largely by car parking with little contribution to placemaking while the proposed car parking is elevated and dominates the landscape/view from Clonshaugh Road. Furthermore, it is argued that the proposal is not suitable to a district centre location.
- 7.2.2. The Applicant outlines in the Planning Report and First Party Response that the Local Authority advised that the proposed unit be orientated to face towards the Clonshaugh Road as this was the contextual relationship of the building to be demolished and The Range's trading store. The existing unit contributes little to the public realm or streetscape. I agree that the orientation towards Clonshaugh Road is favourable to provide an active frontage. Notwithstanding the more lightweight appearance of the eastern glazed elevation, the overall design is 'box-like'. However, I am generally satisfied that the development provides a positive architectural contribution to the site

and will complement The Range unit to the north in terms of overall scale and height. I consider the signage to be acceptable having regard to the location of the site setback from Clonshaugh Road and nature and scale of the development. The unit is setback an appropriate distance from the residential dwellings on Clonshaugh Road so as not to adversely impact the area's residential dwelling. The proposed landscaping will not only improve the site's visual appearance but contribute to the biodiversity of the area.

- 7.2.3. In my opinion, reference to the street frontage or mix of uses that could have been provided under Reg. Ref. 5950/07 is not relevant as this permission has expired and there are currently no other plans to redevelop the lands in a similar manner. As stated above, I do not consider it reasonable to require the Applicant to achieve the same level and mix of development as that permitted under Reg. Ref. 5950/07. Furthermore, in my opinion, it is not practical to expect that the proposal solely delivers all the goals of the KDC; such a proposal could be to the detriment of the other significant areas comprising the KDC.
- 7.2.4. Having regard to the foregoing, I would not recommend refusal on the grounds of the design or mix of uses of the proposed development.

7.3. Traffic and Transportation

- 7.3.1. The Appellant is concerned that the traffic analysis undertaken by the Applicant does not adequately assess the impact of a significant new supermarket on the usage of the existing car parking in the wider area. The site is used as an overflow car park for the NSC. The proposed development will lead to an additional 143 arrivals and 143 departures weekday peak time of 3pm-4pm or 286 vehicular movements. The Appellant contends that the proposed development will contribute further to congestion in the area.
- 7.3.2. The proposed development includes 75 No. car parking spaces and 24 No. bicycle parking spaces. The proposal will not involve any alteration to the existing surface car parking area outside of the red line boundary. I note there are 25 No. existing spaces within the red line boundary. The Traffic Impact Report submitted with the application concludes that the traffic generated as a result of the proposed development can be accommodated within the surrounding road network. No specific traffic mitigation measures are required to accommodate the traffic in terms of junction and link

capacity. An independent Road Safety Audit was carried out and the recommendations have been accepted.

- 7.3.3. I note that the Local Authority's Transportation Department had no objection or concerns to the development subject to the attachment of conditions including *inter alia* requiring that a Construction and Traffic Management Plan be prepared and one additional accessible parking space to be provided.
- 7.3.4. Whilst the Appellant questions the suitability of such a car dependent use at this location, it is considered that this has to be balanced with the reality that the majority of convenience shopping trips are undertaken by private car. Pedestrian permeability is included within the scheme and I note from my site visit that there are footpaths on both sides of Clonshaugh Road and pedestrian permeability within the wider surface car park is good.
- 7.3.5. I am satisfied that it has been demonstrated that the road network has adequate capacity to accommodate the development. Having regard to the foregoing, I would not recommend refusal on traffic and car parking grounds.

7.4. Appropriate Assessment

- 7.4.1. The subject site is not located within or directly abuts any European site. However, the site is hydrologically connected to the Baldoyle Bay SAC (site code: 00199) and Baldoyle Bay SPA (site code: 004016) via the river network. Santry river is located approximately 50m downslope of the subject site. I note from my site visit that there are no major physical barriers between the site and the river. Indirect impacts may arise to nearby qualifying habitats in the SAC, due to the presence of hydrological pathways from runoff and discharge during the construction phase.
- 7.4.2. The conservation objectives for Baldoyle Bay SPA (site code: 004016) are: (1) To maintain the favourable conservation condition of Light-bellied Brent Goose in Baldoyle Bay SPA [A046]; (2) To maintain the favourable conservation condition of Shelduck in Baldoyle Bay SPA [A048]; (3) To maintain the favourable conservation condition of Ringed Plover in Baldoyle Bay SPA [A137]; (4) To maintain the favourable conservation condition of Golden Plover in Baldoyle Bay SPA [A140]; (5) To maintain the favourable conservation condition of Grey Plover in Baldoyle Bay SPA [A141]; (6) To maintain the favourable conservation condition of Bar-tailed Godwit in Baldoyle Bay

SPA [A157]; and (7) To maintain the favourable conservation condition of the wetland habitat in Baldoyle Bay SPA [A999].

- 7.4.3. The qualifying interests for the SPA are: A046 Brent Goose *Branta bernicla hrota*, A048 Shelduck *Tadorna*, A137 Ringed Plover *Charadrius hiaticula*, A140 Golden Plover *Pluvialis apricaria*, A141 Grey Plover *Pluvialis squatarola*, A157 Bar-tailed Godwit *Limosa lapponica*, and A999 Wetlands.
- 7.4.4. Given the scale and nature of the proposed development in an urban area, the qualifying interests in Baldoyle Bay SPA, and the separation distance between the site and the SPA (approx. 5.7km as the crow flies), I consider that there is no potential for likely significant impacts to arise to the SPA, which can be screened out from the need for Appropriate Assessment.
- 7.4.5. The conservation objectives for Baldoyle Bay SAC (site code: 00199) are: (1) To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide [1140]; (2) To maintain the favourable conservation condition of *Salicornia* and other annuals colonizing mud and sand [1310]; (3) To maintain the favourable conservation condition of Atlantic salt meadows (*Glauco- Puccinellietalia maritimae*) [1330]; and (4) To maintain the favourable conservation condition of Mediterranean salt meadows (*Juncetalia maritimi*) [1410].
- 7.4.6. The qualifying interests for the SAC are: 1140 Mudflats and sandflats not covered by seawater at low tide; 1310 *Salicornia* and other annuals colonizing mud and sand; 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*); 1410 Mediterranean salt meadows (*Juncetalia maritimi*).
- 7.4.7. Having regard to the nature and scale of the proposed development, the redevelopment of a brownfield site within an established urban area on zoned and serviced land, and the separation distance to the Baldoyle SAC (approx. 5.2km as the crow flies), I do not consider that the proposal would be likely to significantly impact the qualifying interests of the Baldoyle SAC (or any other European site) during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise.
- 7.4.8. In conclusion, I do not consider 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. I note that a screening statement prepared by Neo Environmental Ltd

was submitted with the planning application documentation, which comes to the same conclusion (i.e. Stage 2 Appropriate Assessment is not required).

8.0 Recommendation

I recommend that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to:

(a) the policies and objectives in the Dublin City Development Plan 2016-2022 including 'District Centre' zoning attributed to the site and the uses normally acceptable under this zoning and

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

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

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 comply with the nature and type of development identified for these lands in the applicable planning policy for the area, would not seriously injure the urban design of the area and would be acceptable in terms of traffic safety and car parking. 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 7 th May 2021, 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
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	<p>the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>(a) Advertisement and corporate signage shall be as shown on the drawings submitted to the Planning Authority.</p> <p>(b) No additional advertisement, advertisement structure, freestanding sign, or other projecting elements including flagpoles or banners, shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>(c) The display area for alcohol products shall be limited to the area indicated on the submitted drawings.</p> <p>(d) Notwithstanding exempted development provisions of the Planning and Development Regulations 2001, as amended, there shall be no advertising of the sale of alcohol products on the façade/frontage of the premises.</p> <p>(e) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and/or windows.</p> <p>Reason: In the interest of visual amenity and proper planning and sustainable development.</p>
4.	<p>A minimum of four accessible parking bays shall be provided.</p> <p>Reason: In the interest of public safety.</p>
5.	<p>The demolition of the building on site and the construction of the development shall be managed in accordance with a Demolition and Construction Management Plan and Construction Traffic Management Plan,</p>

	<p>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 noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
7.	<p>The proposed electrical substation shall be located along the western boundary of the site (Option A) as shown on Drawing No. 4876-PLANT@A1 submitted to the planning authority. The details of the substation, including screening, shall be submitted for the written agreement of the planning authority prior to the commencement of the development.</p> <p>Reason: In the interest of visual amenity and biodiversity of the area.</p>
8.	<p>All planting / landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority and as amended by the further plans and particulars submitted to the Planning Authority on the 7th May 2021 including the works on the lands zoned Z9 south of the site, shall be maintained, and if any tree or plant dies or is otherwise lost within a period of 5 years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of visual amenity and biodiversity of the area.</p>
9.	<p>Public lighting on site, including light associated with signage, required to comply with the specification the plans and particulars lodged with the application and as amended by the further plans and particulars submitted to the Planning Authority on the 7th May 2021. The level of illumination shall be reviewed at any time by the planning authority and any adjustments shall</p>

	<p>be made to the satisfaction of the planning authority at the developer's expense.</p> <p>Reason: In the interest of residential amenity.</p>
10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
12.	<p>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.</p> <p>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.</p>

Susan Clarke

Planning Inspector

2nd September 2021