



An
Bord
Pleanála

Inspector's Report ABP-315223-22

Development	The construction of a single storey discount food store (to include off-licence use) and all associated site development works.
Location	Lands adjacent to Collins Bar, Dooradoyle Road, Slugaire, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211590
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Glenn Graham and Evelyn Lyons Brian Hackett Dermot and Rosemary McGovern
Observer(s)	Justin McSweeney Irene and Tom Cuffe Joan Ryan

Slugaire Residents Association
Dara Mahon

Date of Site Inspection

19th February 2024

Inspector

Ronan O'Connor

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8.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the following reasons and considerations.	41
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1.0 Site Location and Description

- 1.1. The site is located between Collins Bar Public House and Oakleigh residential estate on the Dooradoyle Road. The site comprises a greenfield site and a portion of the existing car park associated with Collins Bar. The site is bounded by residential properties that front onto Dooradoyle Road, and by the Oakleigh Wood Residential Estate. To the north and north-east are properties on Lissanalta Close. To the west of the site, on the opposite site of the Dooradoyle Road, are residential properties within the Foxfield Estate.

2.0 Proposed Development

- 2.1. The proposed development consists of the following elements:
- (a) construction of a single storey discount foodstore (to include off-licence use) with a gross floor area of c. 1,820 sqm (net retail area 1,325 sq. m.);
 - (b) new vehicular/pedestrian access from Dooradoyle Road
 - (c) 95 X no. car parking spaces and 8 no. bicycle spaces to serve the discount foodstore and 31 additional car parking spaces provided at surface level and under-croft to serve the existing adjoining bar/restaurant (total 126 X no. new car spaces proposed);

- (d) Erection of an internally illuminated doubled sided free standing identification signs located adjacent to the proposed new vehicular/pedestrian access to the site; 2 X No. single-side internally illuminated gable signs, 1 X no. single-side window sign at entrance door;
- (e) A single storey ESB substation and switch room c. 30 sq. m. and a deposit return scheme unit c.65 sq m.
- (f) 88 sq. m. of solar panels provided at roof level;
- (g) All landscaping/lighting, boundary treatments (including retaining walls), engineering and site developments (including cut and fill).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission subject to conditions [decision date 3rd November 2022].

Conditions of note include:

Condition 7 – revised landscaping plan/layout

Condition 13(a) – details of a Toucan Crossing on the Dooradoyle Road

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The first Planner's report [date 19th January 2022] is summarised below:

- Notes the site is zoned 'local centre' in the Southern Environs Local Area Plan and 'Local Centre' in the Draft Limerick Plan 2022-2028
- Convenience store is open for consideration
- Site is outside the core shopping centre boundary as identified within the Retail Strategy for the mid-west region
- Notes the submission of a Quantitative Retail Assessment and conclusions of same
- Building provides strong active frontage/revised landscaping required

3.2.2. Further Information was sought on 19th January 2022 in relation to:

- Information in relation to compliance with the Retail Strategy and the Southern Environs Local Area Plan
- Design Details
- Traffic and Pedestrian Issues (as per roads report dated 13th December 2021)
- Car Parking Arrangements (as per roads report dated 13th December 2021)
- Public Lighting (as per roads report dated 13th December 2021)
- Surface Water Disposal (as per roads report dated 13th December 2021)
- Issues raised in the Third Party Objections

3.2.3. Further Information was submitted on 7th October 2022.

3.2.4. The second Planner's report [dated 2nd November 2022] is summarised below:

Point 1 (Information in relation to compliance with the Retail Strategy and the Southern Environs Local Area Plan)

- Proposal is in keeping with Objective ECON 05 'Local/Neighbourhood Centres'
- Within the floorspace capacity requirements as set out in the Retail Strategy
- Sequential test is not required
- Proposal is in line with the Limerick Development Plan 2022-2028/Associated Retail Strategy for the Limerick-Shannon Metropolitan Area and County Limerick/acceptable in principle

Point 2 (Design Details)

- Landscaping requirements have not been adequately dealt with.

Point 3 (Traffic and Pedestrian Issues)

- Revised details needed

Point 4 (Car Parking Arrangements)

- Roads Section satisfied subject to conditions/Active Travel Dept consider any outstanding issues can be dealt with by way of conditions

Point 5 (Public Lighting)

- Revised details required by way of condition

Point 6 (Surface Water)

- Revised surface water layout plan required by way of condition

Point 7 (Third Party Objections)

- Majority of issues have been dealt with.

3.2.5. Recommendation was to grant permission.

3.2.6. Other Technical Reports

Noise (PEPM) [dated 2nd December 2021] – recommends conditions

Fire and Rescue – No objection

Roads [dated 13th December 2021] – Further information needed in relation to *inter alia* revised access point/road safety audit/revised TTA/sightlines/details of Zebra crossing/detail design of pedestrian crossings/road marking & signage/cross sections – roads footpaths/auto tracking/accessible spaces/removal of undercroft parking/pedestrian routes/deliveries/public lighting/surface water details

Roads [dated 18th October 2022] – Recommends conditions

Active Travel [undated] – Further information needed in relation details and quantum of cycle storage/details of access point(s)/revised site layout plan/allowance for future cycle lanes

Active Travel [25th October 2022] – Conditions recommended

3.3. Prescribed Bodies

Irish Water [dated 9th December 2021] – Conditions recommended

HSE Public Health [dated 13th December 2021] - Conditions recommended

3.4. Third Party Observations

3.4.1. 18 no. Third Party observations were received at application stage. Issues raised are similar to those raised in the Third Party Appeal Submissions and Observations as summarised below.

4.0 Planning History

11/7086 Grant Extension of Time [decision date 22/11/2011] of Parent Permission 06/2404 [expiry date 04/09/2017]

06/2404 – Grant permission [decision date 31/07/2007] for construction of a mixed use development consisting of 4 no. retail units, 8 no. office units, 1 no. restaurant and 1 no. leisure facility, 125 car parking spaces, site entrance and all ancillary works.

5.0 Policy Context

5.1. Ministerial Guidelines

Retail Planning Guidelines for Planning Authorities – Department of Environment Community and Local Government (April 2012)

The Guidelines acknowledge that the retail sector is a key element of the national economy in terms of employment, economic activity and the vitality of cities and towns. A key aim of the Guidelines is that the Planning Authority planning system should promote and support the vitality and viability of city and town centres in all their functions.

Section 2 outlines five key objectives which are intended to guide and control retail development while Section 4.4 contains guidance on the sequential approach to retail development. It outlines an order of priority for retail development, directing the retail development should be located in city and town centres (and district centres if appropriate) and that edge-of-centre or out-of-centre locations should only be considered where all other options have been exhausted.

Section 4.11.1 states that large convenience stores comprising supermarkets, superstores and hypermarkets should be located in city or town centres or in district centres or on the edge of these centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy. The guidelines define a supermarket as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sqm.

Retail Design Manual

The companion document to the Retail Planning Guidelines promotes high quality urban design in retail development, to deliver quality in the built environment. It sets out 10 principles of urban design to guide decisions on development proposals.

5.2. Development Plan

5.2.1. The Limerick Development Plan 2022-2028 applies.

Zoning

The site is zoned 'Local/Neighbourhood Centre'. The objective relating to same is to *'To protect and provide local centre facilities to serve the needs of new/existing neighbourhoods and residential areas. Purpose: To provide a mix of community and commercial neighbourhood facilities to primarily serve the immediate needs of the local working and residential population and complement, rather than compete with the City Centre. A mix of appropriate convenience retail, commercial, community, childcare and medical facilities, residential and recreational development of a local scale will be considered. Larger scale office and residential development will be considered in new developments where public transport is available. The retail scale and type will be controlled to prevent negative impacts on the retail function of Limerick City Centre at the top of the hierarchy. A materially broader range of comparison goods than currently exists shall not be allowed in order to avoid further competition with the City Centre. Any proposal for retail development shall comply with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.'*

Zoning:

'Mixed Use' which seeks 'to provide for a mixture of residential and compatible commercial uses'

Chapter 5: A Strong Economy

Section 1: Retail

Volume 6 Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028

Objective MASP01: Convenience Retail Floor Space: It is an objective of the Council to ensure emphasis remains to attract high quality convenience retail to the City Centre. However, there is a demand for new convenience floor space within established residential areas and within neighbourhood areas with growing residential communities and regeneration sites. This shall include: City Centre; Moyross; Ballysimon and Southern Environs.

Objective LCC15: The Council shall require that applications for new supermarkets on Local Centre sites shall be accompanied by a Retail Impact Assessment.

Objective LCC16: Proposals for new supermarket developments in Local/Neighbourhood Centre sites should support the sustainable upgrade of Local/Neighbourhood Centres and facilities and demonstrate that they facilitate improved access to public transport and/or cycling and walking for their catchment in accordance with the Retail Planning Guidelines (2012).

Parking

Section 7.10.4 Car Parking/Objective TR 049 'Car and Cycle Parking'/Section 11.8.3 Car and Bicycle Parking Standards'.

5.3. Natural Heritage Designations

- 5.3.1. No designations apply to the subject site.

5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. 3 no. Third Party Appeals have been received from (1) Glenn Graham and Evelyn Lyons (received on 30th November 2022); (2) Brian Hackett (received on 29th November 2022) and; (3) Dermot and Rosemary McGovern (received on 28th November 2022). The grounds of appeal are summarised below:

Principle/Retail Demand

- Site allocated for a neighbourhood development
- Overprovision of food based retail
- Retail Impact submitted with the RFI did not present additional information justification
- Impact on local retailers/not addressed sufficiently/will take up 40% of total convenience expenditure
- Does not fit into 'local centre' or 'neighbourhood centre' category
- No sequential testing carried out
- Cannot rely on predicted new housing to justify development/may not materialise
- Open for consideration does not mean that development is appropriate or acceptable at this location
- Overall loss of employment
- Cannot be considered a convenience store due to its size
- Existing stores are more than sufficient to serve the community

Traffic and Transport

- Will create significant traffic and pedestrian safety problems
- Invalid traffic analysis
- Unacceptable Road Safety Audit
- Under provision of car parking spaces

- Have not evaluated morning peak hour congestion/evening rush hour/weekend rush house/seasonal rush hours
- Impact of Covid not accounted for
- Current traffic congestion
- Access/exit points exacerbates existing visibility/safety issues for houses on Oakleighwood
- 90% of customers come in cars
- Does not take into account increased use of e-scooters
- Introduction of traffic lights will impact on the queuing already experienced
- Failed to utilise the existing Collins Bar entrance
- Overspill car parking
- Should not have been granted permission in advance of a stage 3/4 road safety audit/road safety audit does not address road safety issues/recommends separating spaces from the Collins Bar spaces/this has not happened/did not consider Dooradoyle Road
- No cycle links around the development boundary
- Insufficient car parking provided/Collins Bar is at its peak at lunch times and early evenings/coinicides with peak times for the supermarket/26 spaces below Development Plan standards/insufficient justification for same
- Mobility Management Plan needs to form part of the planning documentation
- Accessible spaces have not been replaced in convenient locations
- Drone footage/photos included showing typical traffic congestion
- Existing congestion in the area
- Will make it difficult to get out of driveways
- Road safety concerns
- Refer to the Traffic Report submitted from the Slugaire Residents/in agreement with this report

Residential Amenity

- Location of the Deposit Return Scheme unit close to residential dwellings is inappropriate/lack of detail in relation to same/will attract more traffic/noise pollution from servicing of same
- Noise impacts from construction
- Landscaping/screening on boundary with Dooradoyle Road/adjacent Dwellings is sparse/will not screen store/mitigate light impacts
- Potential Anti-social behaviour
- Light pollution
- No details of plant

Design Issues

- Inappropriate design
- Proposed elevations are overly dominating
- Substantial overdevelopment of the site
- Store is out of context with the residential area
- Materials are not sympathetic to the character of the local area
- Would be unsightly/out of scale and character

6.2. Applicant Response

- 6.2.1. A First Party response to the Third Party Appeals was received on 5th January 2023. This is summarised below:

Principle/Retail Impact

- Sequential test not required given the zoning of the site
- Is in accordance with ECON 05
- No material impact on retails in the city centre
- Quantum of retail space is well below the maximum permitted in the Development Plan

- Will help address significant deficit in convenience retail provision
- Turnover of the storey will represent only 10% of the wider catchment area
- Will have no material impact on any other existing convenience store in the area

Traffic & Transport

- Further traffic survey conducted in response to traffic and transport concerns/notes lower traffic flows in December 2022 relative to the previous surveys/this survey has addressed seasonal increases
- TIA has been undertaken in accordance with TII Guidelines
- Findings of the Stage 1/2 Road Safety Audit have been accepted and can be implemented within the detailed design/will undertake the audits as required by Condition 14
- Edge of the site has been designed to accommodate future cycle lanes
- Proposed junction and crossings have been designed in accordance with DMURS
- Car parking has been considered having regard to other operational Aldi stores/car parking issue is addressed in TPS report
- Will not have a material impact on the road network

Residential Amenity

- Noise report submitted/comparison with a DRS unit found noise from same was inaudible 1m from the unit.
- Noise and Vibration Assessment submitted/sets out criteria to be adhered to
- Undercroft parking will not require mechanical ventilation/deliveries will not occur during nighttime house/plant noise will be inaudible
- Landscape Masterplan submitted with the appeal
- Report in relation to lighting submitted
- Daylight Sunlight Report/concludes only 'Minor Adverse' impacts will be experienced by the nearest windows

- Adjacent residential developments are likely to be of similar or greater height to the Aldi Store/other developments, including possible residential, could have a greater impact/reasonable to anticipate a minor impact
- Right to light is not a planning matter

Design Issues

- No specific standards for site coverage or plot ratio in the Development Plan/site coverage of 23% and plot ratio of 0.23 on an overall site area of 7,600 sq. m/not considered to be overdevelopment of the site

Encl: Appendix 1; Appendix 2; Appendix 3

Other documents : Lighting Report/Dwgs; Noise Report; Landscape Report; Daylight & Sunlight Assessment

6.3. Planning Authority Response

6.3.1. The Planning Authority has submitted a response to the appeals (received 3rd January 2023). This is summarised below:

- Issues raised in the appeals have been addressed in the planning assessment/refer to relevant conditions

6.4. Observations

6.4.1. 5 no. observations have been received from Justin McSweeney (received 22/12/2023); Irene & Tom Cuffe (received 21/12/2022); Joan Ryan (received 14/12/2022); Dara Mahon (received 9th December 2022) and Slugaire Residents Association (received 12th December 2022). The issues raised are summarised below:

Principle/Retail Impact

- Site does not include the car parking space associated with Collins Bar (property registration maps included)

- Comes under the category of a large retail store/cannot be considered a convenience store
- Sufficient convenience stores in the area
- Overprovision of food based retail
- Impact on viability and vitality of local convenience stores

Traffic & Transport

- Road safety
- Additional entrance raises road safety concerns
- Traffic Congestion/Invalid Traffic Analysis
- Unacceptable Road Safety Audit
- Under provision of car parking spaces/unworkable plan to share spaces with Collins Bar

Residential Amenity

- Objections have not been properly addressed
- Impact of construction work/road safety implications/noise impacts
- Visual impact and impact of lighting/not known what materials are/details of lighting/landscaping
- Impact of bin stores
- Permission granted without the issues above being addressed
- Site is located in close proximity to adjoining residential areas/undercroft parking will raise the development/will lead to overlooking
- Extended opening hours at Christmas will result in noise disturbance
- Too close to residential properties
- Noise, air and light pollution

Design

- Area for landscaping is too restricted

- Overdevelopment of the site/materials not in keeping with the character of the area
- Overdevelopment/no green space
- Poor quality design

6.4.2. I note that the observation from Slugaire Residents Association includes the original submission made at application stage.

6.5. Further Responses

6.5.1. A Further Response was received from The Planning Authority (received on 1st February 2023). This is summarised below:

- Roads Section is satisfied with the appeal response to the roads related items/refer to conditions/original planning assessment (roads report attached).

6.5.2. Further Responses were also received from Glenn Graham and Evelyn Lyons (received 30th January 2023) and The Slugaire Residents Association (received on 19th January 2023). The issue raised are summarised below:

Principle/Retail Demand

- Proposal does not meet the zoning criteria to prove a mix of facilities
- Tesco is not the only supermarket in the Southern Environs/there is also Lidl and Aldi within 4km of the site/also within the Southern Environs/there is adequate retail provision in the area
- Customer survey has vague questions not related to the location of the development/new retail developments should be targeted at rapidly development communities such as Mungret Gate
- Applicant has failed to demonstrate retail need
- Proposal does not provide the mix of facilities required by the zoning of the lands
- Impact on local retailers not addressed sufficiently

Traffic and Transport

- Cannot rely on traffic survey/is not the lived experience of residents/has not addressed bus lanes

- Traffic survey states lowest volumes were between 9th and 15th December/this is clearly incorrect/does not reflect reality of seasonal traffic/vehicle counts are incorrect/analysis should not be considered credible/no analysis of junction capacity/traffic delay evaluation on the Dooradoyle Road and the N20 link road/has not addressed impact on peak traffic volumes/seasonal delays
- No information on road safety issues raised in the appeals
- Reference to car parking spaces does not take into account requirements/overlaps with the Collins Bar/Fusion Restaurant
- No modelling carried out
- Net increase of 8 spaces for a large new development/existing car parking spaces are substantially utilised in the evenings and at weekends

Residential Amenity

- All of the ground floor units with Oakleigh Wood are single storey/visual impact of proposed development is therefore greater
- Noise from deliveries/increased traffic/footfall is not addressed
- Objections were submitted to LCC by 17 groups and residents/Oakleigh Wood objection was signed by 31 units
- Daylight and Sunlight Assessment should have been submitted at a very early stage
- Report has obvious errors/Windows 138a & 138b are a master bedroom and home office respectively (not both bedroom windows)/do not agreed it is a minor adverse impact on 138b – 36% increase from the baseline VSC
- Stated there is no impact on windows 140a1 to 140a3/this is not the case/these windows are the sole source of light for living room/dining room and kitchen/rear of property is the sole source of natural light
- Impact will be far greater than stated
- Not all developments would have an impact on amenity if suitably designed
- Noise has not been sufficiently addressed

Design

- Landscaping will take years to mature

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal submissions received, together with further responses and having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of Proposed Development
- Retail Impact
- Traffic and Transport
- Residential Amenity
- Design
- Other matters

7.2. Principle of proposed development/policy context

7.2.1. The proposed development comprises *inter alia* the construction of a single storey discount foodstore (to include off-licence) with net retail area of 1325m² (1820m² GFA). The site is zoned 'Local/Neighbourhood Centre'. The Zoning Matrix notes that within Local/Neighbourhood Centre zoned sites, a Retail Convenience store of less than 1,800 sq, m (nfa) is 'Open for Consideration.' The Development Plans defines an 'Open for Consideration' use as '*A use open for consideration is one which the Council may permit where it is satisfied that the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with existing uses or the proper planning and sustainable development of the area*'. As such, the principle of the proposed use is acceptable on the site, subject to compliance with other policies and objectives, its relationship with other uses, and the proper planning and sustainable development of the area.

Policy ECON 05

7.2.2. Objective ECON 05 'Local/Neighbourhood Centres' states that '*it is an objective of the Council to: a) Only consider the enlargement of existing Local/Neighbourhood Centre retail sites where it can be demonstrated that it serves a substantial*

residential catchment within walking distance of the centre and has a tangible urban renewal benefit for the community. Suitable floor space areas of new convenience food stores in these locations are considered to be up to 1,800m² of net retail space....c) Require all proposed retail developments in Local/Neighbourhood Centres to demonstrate compliance with the floor space capacity requirements set out in the Retail Strategy. A retail impact assessment shall be carried out for all developments in excess of 1,000 m². d) Promote improved pedestrian accessibility, permeability and safety within any proposed development works;.

- 7.2.3. As such the proposal is acceptable, having regard to the above, subject to the various criteria being complied with including a demonstrable urban renewal benefits. the submission of a retail impact assessment, and the provision of appropriate pedestrian infrastructure, permeability and having regard to road safety issues. These issues are addressed within the assessment below.

Mix of Uses

- 7.2.4. A number of appeal submissions have raised the issue of mix of uses, and state that the proposal does not fulfil the zoning objectives for the site. In relation to the same, I am not of the view that all development coming forward on local/neighbourhood centre zoned sites, such as this one, are required to be mixed-use, and the Planning Authority are not of this viewpoint either. The appeal site forms part of a larger local/neighbourhood centre, with other existing uses in place, including the Centra convenience store, a medical centre, pharmacy and takeaway, as well as the adjacent public house and restaurant (Collins Bar). As such, there will continue to be a mix of uses provided within the local/neighbourhood centre, with the proposed development in place.

Compliance with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick

- 7.2.5. The Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028 is contained in Volume 6 of the operative Development Plan. Relevant provisions of same include Objective MASP01: Convenience Retail Floor Space which states that *'It is an objective of the Council to ensure emphasis remains to attract high quality convenience retail to the City Centre. However, there is a demand for new convenience floor space within established residential areas and within*

neighbourhood areas with growing residential communities and regeneration sites. This shall include: City Centre; Moyross; Ballysimon and Southern Environs' (my emphasis). Objective MASP02: Local/Neighbourhood Centres is also of relevance and this set out similar provisions as Objective ECON O5, as discussed above.

- 7.2.6. As such the development of retail of a scale that is proposed here, on local/neighbourhood centre sites such as this one, is supported by the Retail Strategy, subject to the criteria as set out above. which includes *inter alia* the submission of a Retail Impact Assessment.

7.3. Retail Impact

- 7.3.1. The Third Party Appeals, and the Third Party observations on the appeals question the need for the development and the capacity of the catchment area to accommodate the proposal and questions a number of the underlying assumptions set out within the RIA, and it is contended that additional floorspace is not required.
- 7.3.2. In relation to same, I note that the applicants have submitted a Retail Impact Assessment at application stage (within a report entitled Retail Impact Statement and Planning Report), which was updated at Further Information Stage (report dated October 2022). In relation to the report submitted at application stage, it is stated that the proposed development will provide a convenience retail offering which will serve a specific neighbourhood and will not compete with the city centre, with customers continuing to visit the centre and other centres for their main convenience and comparison needs, given the limited range of goods offered by Aldi, with the town centre health check concluding that Limerick Core has a vibrant centre and will continue to operate as such. Table 8.3 of the c sets out that, in 2024 the total convenience expenditure in the study catchment area will be approximately €25m. The turnover for the proposed store in 2024 is estimated to be approximately €10m. The proposed store will therefore account for 40% of the total convenience expenditure turnover for the study area. The turnover of existing convenience floorspace (including the Ryan's Food Store, the Centra and other retail) was approximately €3.3m. It was determined, then, that there was more than sufficient capacity for additional net convenience floorspace. with an available surplus of approximately €11.9m with the development in place.

- 7.3.3. In response to the FI request, the catchment area was broadened to include the wider Southern Environs area (utilising the now-replaced Southern Environs LAP boundary). This demonstrates, that, with the store in place, the available surplus is approximately €32.9m (Table 9.9) (although this is cited incorrectly as €31.1m in paragraph 8.56). Notwithstanding this minor error, and I am satisfied that it has been demonstrated that the proposal is in accordance with the Retail Planning Guidelines 2012 and is it is in accordance with Objective ECON 05 (Volume 1 of the Development Plan), and Objective MASP02 of the Retail Strategy (Volume 6 of the Development Plan), as it has been demonstrated that the proposal will not impact on the vitality of the city centre and will serve the needs of the residents in the immediate vicinity of the site.
- 7.3.4. In relation to potential impacts on existing retailers, the Development Plan notes a deficit of convenience retail in the area, and I am satisfied that the Retail Impact Statement has demonstrated that the area has capacity for an additional supermarket without impacting detrimentally on that existing. Retail competitiveness and choice is welcomed in accordance with national policy. I note the large areas of residential development within the immediate area. On the basis of the analysis before me, I consider that an increase in retail floorspace as proposed is justified.
- 7.3.5. I note that third party submissions have stated that no sequential testing was carried out. The applicant contends that, given the neighbourhood/local centre zoning of the site, a sequential test is not required under the provisions of the Retail Planning Guidelines. In relation to same, I note the provisions of Section 4.4 of the Retail Planning Guidelines (2012) which note that where the location of the proposed development complies with the policies and objectives of the Development Plan and/or relevant retail strategy to support the city and town centre, sequential testing is not required. In this regard, I note that the Planning Authority, by way of zoning the site for neighbourhood/local centre use has identified that this site is suitable, subject to relevant criteria, for a development such as that proposed here, and I concur with the view of the applicant, and with that of the Planning Authority, that sequential testing is not required.
- 7.3.6. In relation to other issues raised in the appeal and observer submissions, there is no evidence to support the assertion that there would be an overall loss of employment as a result of this proposed development. In relation to the definition of a

convenience store, I note that Section 4.11.1 defines same, and the proposed development falls within the category of a large convenience store, which includes *inter alia* supermarkets.

- 7.3.7. Having regard to all of the above, I am of the opinion that the adopted Development Plan clearly addresses the need for such a use in this wider area (as informed by the Retail Strategy), noting that there are multiple provisions and references to the fact that there is a deficiency in retail floorspace in the Southern Environs area and further capacity for same. There is therefore strong policy support for such a use at this location within the adopted Plan. I am satisfied, therefore, that the proposal is acceptable in principle and consistent with the provisions of local and national policy in this regard.

7.4. Traffic and Transport

- 7.4.1. The Third Party appeals, and observations on the appeal, raise the issues of traffic congestion generally, and also question the methodology and accuracy of the Traffic Impact Assessment. It is also stated that the proposal would raise road safety concerns. In response, the applicants refer to the TIA submitted at application stage, and updated at FI Stage, and have also submitted an updated Traffic Report that seeks to deal with this issues raised in the appeals. The applicant's cite the conclusions therein and state that there will be no material impact on the surrounding road network.

Impacts on the Surrounding Road Network

- 7.4.2. I note a Traffic Impact Assessment was submitted in October 2021. Baseline traffic conditions were determined based on a series of traffic surveys carried out in September 2021 (covering the period 1500 to 1900 hr). In addition, a traffic counter was installed on Dooradoyle Road from the 6th September 2021 until the 12 September 2021 over a 24hr period. Peak traffic period was found to occur between 1700 and 1800 hrs. TRICS data was used to established likely trip generation rates for the store. During the PM peak hour, it was modelled that a total of 99 inbound movements and 95 outbound movements would occur (utilising a worst case scenario), notwithstanding that the busiest period for Aldi stores is stated as occurring between 11am and 12pm, and that not all of these trips are considered as wholly new to the surrounding road network (The TIS states that research indicates

that only 30% of these trips would be new to the road network). Traffic Growth of 5% was added based on the higher growth rates within the TII Guidelines. The TIA assesses the impact of the proposed development on the capacity of the junction of the Dooradoyle Road with the Aldi Collins Bar Access Junction, and it was determined that this junction would operate well within capacity for the Peak PM traffic period (for the assessment year 2023), with a reserve capacity of over 80% during the PM traffic period. While not stated, it is assumed that the assessment year 2023 is the proposed 'opening year'.

- 7.4.3. An updated Traffic Report was submitted (Dated October 2022) as part of the Further Information Submission. As part of the FI request, the PA sought details of AM peak hour traffic on the Dooradoyle Road, with and without the development in place. Details of the traffic levels in the AM peak without the development in place are set out (but not with) and it is stated that with the capacity assessment, no allowance was made for percentage of transferred, pass by or diverted trips, with the 'worst case' scenario been chosen. It is concluded therefore that there would be no material traffic impact on the adjacent road network during the AM peak hours. The Further Information Response also sets out that a further series of traffic surveys were undertaken from the 10th February 2022 to the 16th February 2022, to determine the impact of Covid (if any) on the baseline traffic surveys. It was reported that traffic levels in the September 2021 survey were slightly higher, indicating that traffic levels were not impacted by the Covid Pandemic.
- 7.4.4. A Further updated Traffic report was received as part of the First Party Response to the appeals (Dated December 2022). These details *inter alia* a further traffic survey was carried out on the Dooradoyle Road between Friday 9th December and Thursday 15th December which indicate lower levels than the September 2021 survey.
- 7.4.5. In relation to the conclusions of the Traffic Reports, I note that the impact on the Collins Bar/Aldi access junction with the Dooradoyle Road has been assessed with the proposed development in place, utilising the baseline scenario utilised is the September 2021 data, where traffic levels were at the highest and it was found, that for the assessment year, 2023, this junction still operated with an 80% reserve capacity. I would note that the TIA assesses the junction of Dooradoyle Road and the Collins Bar/Aldi access, with the October 2021 report stating that the existing Collins Bar access is to be closed. It was verified within the Further Information

submission that this is not, in fact, the case, and that the existing Collins Bar access will remain open, with a dedicated access to the proposed Aldi store. This is not reflected in any updated junction capacity analysis, however. Notwithstanding, I am of the viewpoint that the traffic movements at the dedicated Aldi access would be lower than at a shared access point (as the traffic movements associated with the Collins Bar access point could be discounted), and it can be assumed then that there would be sufficient capacity at the proposed Aldi access/Dooradoyle Road junction. I would note also that the junction capacity assessment represents the 'worst-case' scenario, noting in particular that not all of the vehicle movements constitute 'new' trips, with the TIA highlighting that only 30% of the trips assessed would be new to the network during the PM peak period, with the remaining 70% being on the network already (i.e. Transfer Trips, Pass by Trips or Diverted Trips as discussed in Sections 4.12 and 4.13 of the October 2022 TIA report).

- 7.4.6. I note that a third party submission highlights that no other junctions were assessed and highlight existing delays on the Dooradoyle Road and on other roads in the area, including the N20 link road. In relation to same, I would note that the TIA (October 2021 Report) notes that, from observations during the morning and evening peak periods, no significant queues or delays were observed on the Dooradoyle Road or at the Dooradoyle Road/R926 roundabout junction, and it is stated that the Dooradoyle Road or at the Dooradoyle Road/R926 roundabout junction operate well in terms of road link capacity and junction capacity.
- 7.4.7. In relation to the impact of the proposed traffic lights on existing congestion, I note that the applicant has responded to this issue within the First Party Response to the appeals, and it is stated that the traffic lights would operate as a controlled crossing, which would give priority to users for a period of 10-15 seconds. I am satisfied the operation of same would not have a material impact on traffic in the area, and furthermore the provision of same would be of benefit having regards to road safety and having regard to increased pedestrian and cyclist permeability.
- 7.4.8. I am satisfied that that the submitted documentation demonstrate that the proposed development would have a only a limited impact on the surrounding road network and the proposed development is therefore unlikely to have a material manner on overall traffic volumes in the immediate area.

7.4.9. Overall, I am satisfied that the concerns of the third parties that have been raised at both application stage, and appeal stage, in relation to the impacts on the road network, have been addressed and that it has been demonstrated that the operation of the Aldi store would have a only a limited impact on the surrounding road network, and the proposed development is therefore unlikely to have a material impact on overall traffic volumes in the immediate area.

Car Parking

7.4.10. Third Party submissions have stated that insufficient car parking has been provided. I would note the PA were satisfied in relation to the level of car parking provided.

7.4.11. Plans submitted at Further Information Stage indicate that 87 no. car parking spaces are proposed to be provided to serve the Aldi Store (9 of which are parent and child spaces, 5 are accessible spaces and 9 are EV spaces). It is noted within the revised TIA (as submitted at FI stage) that this is above the Development Plan Standards of 61 no. spaces, and justification is set out for same, noting provision in other Aldi stores, a reduction in provision from the originally proposed provision (which was reduced from 95 spaces as per the original application submission) as well as the implementation of a Mobility Management Plan.

7.4.12. Section 7.10.4 of the Plan refers to Car Parking, and it is set out that car parking and cycle parking should be provided in accordance with the Council's car parking standards, and Objective TR 049 'Car and Cycle Parking' seeks to implement same. Section 11.8.3 'Car and Bicycle Parking Standards'. The site lies within Zone 3, and the maximum spaces are set out. For retail convenience stores greater than 100 sq. m, 1 space per 30 sq. m. is set out. This would equate to 61 no. spaces. Notwithstanding, that this is above the standards as set out in the Development Plan, I note that the Planning Authority have not raised an objection to same, and have accepted the applicant's justification for same as set out in the Further Information submission. I am also of the view that the provision of 87 spaces in this particular location would be appropriate, given the risk of overspill parking that may result should a lower provision be provided. This risk of overspill parking is highlighted within the applicant's Further Information submission.

7.4.13. In relation to the proposed provision for the adjoining Collins Bar, the plans as submitted at Further Information stage indicate that there are 86 no. existing spaces

serving this establishment. The development of the Aldi store and associated car parking would see the loss of 36 no. spaces. The application proposes to provide 44 no. new car parking spaces within an undercroft area, accessed from the existing car park. This would result in a total provision of 94 spaces to serve the bar use. Notwithstanding the submissions made by third party appellants and observers on the appeal, I am satisfied that this is sufficient, and it is clear from the drawings that there is clear demarcation between the parking that is to be provided to serve the bar, and to serve the Aldi store. While there does appear to be an pedestrian stair access from the undercroft parking area, to the surface level car parking, and subsequently to the Aldi store, I am satisfied that the implementation of a car parking management plan would ensure that the car parking is managed in an acceptable manner, and to ensure that the spaces allocated to the bar, are not used by customers of the Aldi store, and vice versa. Should the Board be minded to grant permission, a management plan should be required by way of condition.

Road Safety

- 7.4.14. The issue of road safety has been raised within the third party appeal and within the observations on the appeal, in particular the operation of the proposed access point and the potential worsening of existing visibility issues, and it is stated that the submitted Road Safety Audit is deficient.
- 7.4.15. I note that the proposed access point was revised at Further Information stage to a location further south of the Foxfield Residential Estate. The Planning Authority were satisfied with same. The submitted TIA (October 2021) confirms that site access has been designed in accordance with DMURS with sufficient visibility sightlines achieved (2.4m x 45m onto a road with a speed limit of 50kph), as per Table 5.2 of DMURS.
- 7.4.16. A Stage 1/2 Road Safety Audit was submitted with the application. This addresses a number of detailed design issues, including details of the proposed pedestrian crossing and pedestrian desire lines, which have been either been addressed by the applicant, on the revised site layout plan, or can be addressed by way of condition should the Board be minded to grant. I am not of the view that the Road Safety Audit raises any fundamental road safety issues.

- 7.4.17. There is no evidence to support the contention the proposed development will have a material impact on any existing visibility issues that arise from existing residential access points, and as demonstrated above, the proposal will not have a material impact on traffic levels on the Dooradoyle Road, with no subsequent impact on the ease or otherwise of exiting or accessing existing residential dwellings.

Other Issues

- 7.4.18. In relation to other issues raised in the appeal and observer submissions, I concur with the view of the applicants that the issue of e-scooters, and the control of same, is outwith the scope of this application, and is a matter for other authorities, including An Garda Síochána. In relation to future provision of cycle lanes, the building has been setback sufficiently to ensure that future provision of same can be accommodated.

7.5. Impact on Surrounding Residential Amenity

- 7.5.1. The site is bounded by residential properties that front onto Dooradoyle Road, and by the Oakleigh Wood Residential Estate. To the north and north-east are properties on Lissanalta Close. To the west of the site, on the opposite side of the Dooradoyle Road, are residential properties within the Foxfield Estate.
- 7.5.2. The third party submissions have raised the issue of potential noise impacts and light pollution from the proposed development, and raise visual amenity generally, stating the proposed development would be overly dominant. An observer submission from a resident of Oakleigh Wood has stated that the Daylight and Sunlight Assessment should have been submitted at a very early stage, with the report containing obvious errors, and the conclusions of same are not accepted.

Daylight

- 7.5.3. In relation to impacts on daylight, a Daylight and Sunlight Assessment Report was submitted with the First Party Response to the appeal, with Third Parties afforded the opportunity to respond to same. In relation to the contents of the report, this considers *inter alia* the impact on daylight levels to the following properties:
- 118-141 Oakleigh Wood; 08 Dooradoyle Road; 5/6 Lissanálta Close
- 7.5.4. A total of 88 no. windows were assessed for effects on VSC (daylight). It is reported that 76 no. windows would experience a 'negligible impact' with the remaining 12. No

windows experiencing a 'minor adverse' effect. All of the windows that have experienced a minor adverse effect are located within the Oakleigh Wood Development, with impacts ranging from 82% of recommended minimum VSC to 97%. I note that an observer submission has raised queries in relation to a number of specific windows that are impacted, and state the impact will not be 'minor adverse' as stated. The windows in question are associated with No. 140 Oakleigh Wood (windows 138a and 138b) and associated with 140 Oakleigh Wood (140a1 to 140 a3) (I note that the report has allocated these windows to 2 no. properties, No's 138 and No's 140, but the third party submission has clarified that these are, in fact, all associated with No. 140 Oakleigh Wood)

- 7.5.5. The report states that windows 138a and 138b are assumed to be bedrooms, noting that not all windows could be verified. For window 138a, the impacts on same result in the VSC reducing from 36.22% to 24.36% (which is a reduction of 33% and is 90% of the minimum VSC value of 27%). For window 138b, the impacts on same result in the VSC reducing from 34.97% to 22.50% (which is a reduction of 36% and is 83% of the minimum VSC value of 27%).
- 7.5.6. The submitted assessment does not identify any significant impacts on surrounding residential properties. In relation to the impacts on No. 140 Oakleigh Wood, and notwithstanding the submission from the occupants of this apartment unit, I accept that the impacts on the windows of same can be classified as 'minor adverse', with reference to the assessment criteria as set out in Appendix H of the BRE 2022 Guidelines. The submission from No. 140 states that Window No. 138a is a master bedroom, and that 138b is a home office. While this may be the case, the report has accepted that not all rooms could be verified, and notwithstanding, the impacts on the windows in any case are not significant. In relation to impacts on window No's 140a1, 140a2 and 140a, the impact can again be classified as 'minor adverse'. Windows 140a3 and 140b are already below 27% but the development does not reduce this by greater than 20%, and the impact is therefore in accordance with BRE Guidance.
- 7.5.7. I accept that the report states that the units affected are on the ground floor of the duplex houses in Oakleigh Wood, potentially giving the impression that there is a floor above that is unaffected. However, it would appear that the units impacted are, in fact, apartment units, with accommodation on the one level, with duplex units

above. However, notwithstanding same, and while there is some impact on properties within Oakleigh Wood, I accept that this impact can be classified as 'minor adverse'. I would also note that these properties currently benefit from an open aspect by virtue of a zoned site remaining undeveloped, and I am of the view that within an urban area, such as this one, any development of scale would have some impact on the daylight levels to properties on Oakleigh Wood.

Noise/Lighting

- 7.5.8. In relation to noise issues, I would note an Environmental Noise and Vibration Assessment (dated 17th November 2021) was submitted at application stage which concluded that the proposed development would not cause significant noise effects, provided mitigation measures were implemented, which *inter alia* included limitations on plant noise, restrictions on night time deliveries, implementation of a noise management plan restrictions on the use of truck refrigeration units and the use of anti-vibration mounts for external plant units. In response to the third party appeals, an updated report was submitted which considered the potential impact of the Deposit Return Scheme unit, located within the development site. It was concluded that the operation of same would not be audible to the nearest residential properties.
- 7.5.9. I am satisfied that, subject to the implementation of the mitigation measures as set out in the Noise Assessment, that the impact of noise at operational stage will not be significant. In relation to the issue of servicing the DRS, restrictions on the timing of same can be imposed by way of conditions. In relation to the impacts of construction noise, the Environmental Noise and Vibration Assessments sets out noise criteria to that will be adhered to, noting in particular that all equipment will be required to comply with the relevant noise limits. As such, and while there may be some short term disturbances associate with noise, I am satisfied that these impacts will not be significant, are short term and will be reduced by the implementation of proposed mitigation measures as set out in the an Environmental Noise and Vibration Assessment, and would occur with any substantial development of these zoned and serviced lands.
- 7.5.10. In relation to lighting impacts, I note correspondence related to lighting (dated 16th December 2022) as received was submitted with the applicant's response to the appeal. This sets out that car parking lighting will operate between 06:00am and

23:00 with securing lighting operating at night time. Lighting within the undercroft area will operate between 06:00am and 23:00 am and that fittings along the boundary will be designed to minimise lightspill (i.e. will have a 0 tilt and have backlit shields). The associated drawings (which were also submitted at FI stage) indicates the extent of lightspill and I am satisfied that this has been minimised and indicates only very limited lightpill to adjoining gardens.

Other Issues

- 7.5.11. In relation to the issue of anti-social behaviour, there is no evidence that the proposed development would result in anti-social behaviour, noting that the policing of such behaviour is a matter for An Garda Siochana.

7.6. Design Issues/Visual Impact/Landscaping

- 7.6.1. A number of third party submissions have raised concern in relation to the design and visual appearance of the proposed store, citing in particular the height of same and the proximity to the nearest residential properties.
- 7.6.2. I note the proposed store is located 3.5m from the southern boundary of the site, adjacent to Oakleigh Wood and is generally 6m high along this boundary, with a small projecting element which is 6.75m in height. While the proposed store will clearly be visible from the north facing windows and gardens of the properties in Oakleigh Wood, I am satisfied that this would not be overbearing in appearance, given the proposed height and the setback distances. I would note that that the site is zoned for development, and it is expected that there would be some degree of visual impact from any development that comes forward on this site. I would further note that the ground floor apartment units in Oakleigh Wood are set back 5.6m from the boundary, and therefore there is a distance of 9.1m from the rear windows of these units to the southern elevation of the proposed Aldi store. I also note the provision of plant/tree screening on this boundary (as detailed on Landscape Master Plan Dwg No. 21704-2-101, as submitted with the First Party Response to the appeals) which will further soften the visual impact of the proposed development.
- 7.6.3. In relation to the appearance of the store from the surrounding streets, I note that the design of the store is to a general format that is used by Aldi stores, and to my mind, would not appear out of place within an existing neighbourhood local centre. I would note that the site currently does not provide any urban design benefits, and

currently presents a rather untidy and unkempt appearance to the street. The proposed store would therefore bring urban renewal benefits to the area, as required by Policy ECON 05 of the Development Plan. I note the Planning Authority have sought additional details of proposed materials by way of conditions, and if the Board are minded to grant, I would recommend a similar condition be imposed.

- 7.6.4. In relation to the proposed landscaping, I note that updated landscaping drawings were submitted as part of the First Party Response to the appeals. This drawing indicates screening to the southern boundary (as discussed above) with hard and soft landscaping features fronting onto the Dooradoyle Road and within the site itself. I am satisfied that the proposed landscaping scheme is appropriate.

8.0 Appropriate Assessment

Introduction

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

The Project and Its Characteristics

- 8.1.2. The detailed description of the proposed development can be found in section 2.0 above.

Compliance with Article 6(3) of the Habitats Directive

- 8.1.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the

management of any European site and therefore is subject to the provisions of Article 6(3).

Submissions and Observations

- 8.1.4. An Appropriate Assessment Screening Report (dated November 2021) was submitted at application stage. Third Parties have not raised any specific issues with regard to appropriate assessment or in relation to ecology or biodiversity more generally.

Screening for AA

- 8.1.5. In order to screen for Appropriate Assessment I have utilised the information within the Appropriate Assessment Screening Report and other documentation on the appeal file.
- 8.1.6. The development site is not within or directly adjacent to any Natura 2000 site. There are no surface water hydrological features on or adjacent to the site with the nearest such feature being the Derryknockane River flowing 490m southwest of the site. The only potential pathways from the site to the nearest European Sites were identified as follows:
- The Lower River Shannon SAC (002165) **1.9km from the site** – hydrological connection via foul water and surface water discharge from the site
 - The River Shannon and River Fergus SPA (004022) **2.6km from the site** - hydrological connection via foul water and surface water discharge from the site
- 8.1.7. The AA Screening Report concludes that the possibility of any significant effects on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded, and that there is no requirement to proceed to Stage 2 of the Appropriate Assessment process.
- 8.1.8. The site is located in an area surrounded by existing low density residential development and low rise commercial development. The site itself comprises a greenfield site and hardstanding (existing car parking).
- 8.1.9. In relation to waste water and water supply, Irish Water (now Uisce Eireann) have confirmed that the proposed development can be accommodated by the Irish Water network and that no upgrades are required. Surface water from the site will be

attenuated and treated on site, and will be discharged to the existing surface water network.

- 8.1.10. The site is not located within or directly adjacent to any European Site and therefore there will be no loss or alteration of habitat associated with a European Site. Consequently there will be no habitat fragmentation.
- 8.1.11. The site does not contain any suitable *ex-situ* foraging, roosting or breeding habitat for any wintering waterfowl or shorebird species associated with The River Shannon and River Fergus SPA, or any other European Site. Furthermore, given the distance from the site to The Lower River Shannon SAC, and from other European Sites, the proposed development will not cause any disturbance and/or displacement to any species associated with these European Sites.
- 8.1.12. I concur with the conclusions of the AA Screening Report, in that the only Natura 2000 sites where there is potential for likely significant effects are The Lower River Shannon SAC (002165) and The River Shannon and River Fergus SPA (004022) via the hydrological connectivity posed by surface water drainage and foul water pathways.
- 8.1.13. Significant impacts on any remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site to any other European Sites.
- 8.1.14. I have set out further details of the sites that I consider to be within the zone of influence of the project in Table 1 and I have considered the likelihood of significant impacts on these same sites below.

Table 1: Table of European Sites/Location and Qualifying Interests

Site	Distance	Qualifying Interests	Conservation Objectives
River Shannon and River Fergus Estuaries SPA (site code 004077)	2.6km north-west	Cormorant (Phalacrocorax carbo) [A017]	To maintain the favourable conservation condition of the bird species and habitats listed as

		Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142]	Special Conservation Interests.
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		<p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	
Lower River Shannon SAC (site code 002165)	1.9km north-west	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not</p>	To maintain/restore the favourable conservation condition of the habitats and species listed as

		<p>covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane</p>	<p>qualifying interests for this SAC.</p>
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		<p>levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey- silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with <i>Alnus</i> <i>glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon</i> <i>marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p>	
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		<p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>	

Potential Effects on Designated Sites

Water Quality

- 8.1.56. I note the distance from the site to the nearest surface water features, and I concur with the conclusions of the AA screening report, that due to this distance, and the land buffer in between, there is no possibility of sediment/run-off related inputs to these waterbodies.
- 8.1.57. I would note that the standard surface water management measures, including SUDS measures, to be incorporated (as considered in Section 3.2.3.1 of the AA Screening Report and the Water Services Planning Report submitted with the application) are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context. I would note that there is nothing unique or particularly challenging about the proposed development, either at construction phase or operational phase. During the operational stage, after passing through surface water management systems, all stormwater generated onsite will be managed on-site through the existing storm water management system and then to the municipal stormwater water network. The surface water pathway creates the potential for a distant hydrological connection between the proposed development and European sites in the Shannon Estuary.

During the construction phase standard pollution control measures would be used to prevent sediment or pollutants from leaving the construction site and entering the water system, and any competent developer would employ such measures. During the operational phase, surface water will connect to the existing surface water system, once attenuated and treated via a suite of SUDS infrastructure, including an attenuation tank and class 1 bypass separator. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the Shannon Estuary can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in the Shannon Estuary (dilution factor).

- 8.1.58. In relation to waste water, it is set out in the AA Screening Report that the wastewater from the proposed development will be treated at the Bunlicky Wastewater Treatment Plan, which discharges treated effluent to the River Shannon Estuary. It is set out that the WWTP at Bunlicky is operating within the terms of its EPA licence and that there is sufficient capacity remaining within this WWTP. I concur with the conclusions of the AA Screening Report that significant effects on The Lower River Shannon SAC and The River Shannon and River Fergus SPA, from waste water associated with the development, are unlikely.
- 8.1.59. In terms of in combination impacts other projects within the Limerick area which can influence conditions in the Shannon Estuary via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.
- 8.1.60. It is therefore evident from the information before the Board that the proposed development would not be likely to have a significant effect on The Lower River Shannon SAC (002165) and The River Shannon and River Fergus SPA (004022).

AA Screening Conclusion:

- 8.1.61. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands, and when combined with the interplay of a dilution effect, such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 8.1.62. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on The Lower River Shannon SAC (002165) and The River Shannon and River Fergus SPA (004022), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Conclusion and Recommendation

In light of the above assessment, I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028 and to the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012, the location of the site, and the scale and quantum of retail, as proposed, it is considered that the proposed development would not impact adversely on the vitality or viability of existing retail development, would represent an appropriate design response to the site's context, would not seriously injure the visual amenities of the area, and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th Day of October 2022 and as further amended by the further plans and particulars submitted as part of first party response received by An Bord Pleanála on 5th day of January 2023, 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.</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 visual amenity</p>
3.	<p>Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity</p>
4.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings</p>

	<p>or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
5.	<p>The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900, Mondays to Fridays inclusive, between 0800 to 1600 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 residential amenities of property in the vicinity.</p>
7.	<p>(a) The developer shall ascertain and comply with all requirements of the planning authority in relation to traffic and transport matters.</p> <p>(b) The developer shall provide for a Toucan crossing on the Dooradoyle Road which shall be agreed in writing with the Planning Authority prior to commencement of development. The applicant shall submit a revised site layout plan showing the full layout and details of the proposed Toucan Traffic Signal Crossing in line with the 'TII Pedestrian Crossing Specification and Guidance'.</p> <p>(c) The developer shall submit a Revised Site Layout Plan to the Planning Authority prior to commencement of the development for written agreement to include for tactile paving at all crossing points. Some of the road markings are those of Zebra Crossing (controlled crossing) and</p>

	<p>should be revised. Pedestrian routes within the car parking area are too narrow at 1.2m and must be increased to a minimum of 1.5m.</p> <p>(d) The applicant shall submit a revised and signed Stage 1 & 2 Road Safety Audit (which shall include public lighting, surface water disposal and pedestrian crossing on the public road) to the Planning Authority for written approval prior to commencement of development. The recommendations of the audit shall be clearly indicated and labelled on a revised Site Layout Plan (Scale 1:500). The applicant shall also submit a Stage 3 and 4 Road Safety Audit.</p> <p>(e) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of electric vehicle charging points/stations at a later date.</p> <p>(f) Prior to commencement of development the applicant shall submit the to the Planning Authority, for written approval, a Revised Site Layout Plan which provides for cycle routes leading to the main cycle storage areas in alternative locations to the main vehicular accesses.</p> <p>(g) The developer shall submit a revised site layout plan indicating the relocation of the six bicycle stands from the north-west of the building and relocate the 10 cycle stands on the northern side of the building further west and closer to the main entrance so that they are more accessible and convenient for customers. The revised layout shall include space for cargo bicycles.</p> <p>Reason: In the interest of proper planning and sustainable development of the area.</p>
8.	<p>Prior to the commencement of the development, the development shall submit details to the Planning Authority, for approval in writing, of a Car Parking Management Plan that details the operation of both the Collins Bar Parking Area, and the proposed Aldi Parking Area, which shall include details of measures to ensure that each car parking area serves the intended customer base only.</p>

	Reason: In the interest of proper planning and sustainable development of the area
9.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interests of pedestrian and traffic safety.</p>
10.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
11.	<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 and to ensure a satisfactory standard of development.</p>
12.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development. Details of the proposal to divert the existing Mill Race and wastewater services on site shall be submitted to Uisce Éireann for written agreement prior to the commencement of development on site.</p> <p>Reason: In the interest of public health.</p>
13.	<p>(a) The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, and as amended by the first party response received by An Bord Pleanála on 5th day of January 2023, unless otherwise agreed in writing with the planning authority prior to</p>

	<p>commencement of development. All landscaping works shall be completed prior to the first opening of the store.</p> <p>(b) The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.</p> <p>Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity</p>
14.	<p>The proposed unit shall not be open to the public outside the hours 0800 to 2200. Deliveries shall not take place before the hour of 0700 Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200hrs on any day.</p> <p>Reason: In the interests of amenity.</p>
15.	<p>The proposed lighting scheme shall comply with Limerick City and County Council's public lighting specification. A Lighting Design Engineer shall submit certification to the Planning Authority to confirm that the lighting has been erected as per the approved design upon completion of the development. All lighting shall be designed to be bat friendly.</p> <p>Reason: In the interests of residential amenity and public safety</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
17.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>

18.	<p>The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p>Reason: In the interests of public safety and residential amenity</p>
19.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
20.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
21.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall</p>

	<p>assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
22.	<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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ronan O'Connor
Senior Planning Inspector

14th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315223-22		
Proposed Development Summary	The construction of a single storey discount food store (to include off-licence use) and all associated site development works.		
Development Address	Lands adjacent to Collins Bar, Dooradoyle Road, Slugaire, Limerick.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	Class 10 (b) Infrastructure projects: (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres. (iv) Urban development which	Proceed to Q.4

		would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315223-22	
Proposed Development Summary	The construction of a single storey discount food store (to include off-licence use) and all associated site development works.	
Development Address	Lands adjacent to Collins Bar, Dooradoyle Road, Slugaire, Limerick.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The site is located within an urban area and is within an area where the predominant land uses are residential and commercial. The area is served by public mains water and sewerage. The nature of the development (retail) is compatible with existing lands uses in the area and not exceptional within the context of the existing environment.</p> <p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable within the town centre and within proximity to residential areas..</p>	<p>No</p> <p>No</p>
Size of the Development Is the size of the proposed development	<p>The size of the development is not exceptional in the context of the existing built-up urban environment.</p>	<p>No</p>

<p>exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	<p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____