



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315651-23

#### Development

Construction of mixed development comprising of a foodstore, a café and 119 no. car parking spaces and all associated site works and services.

#### Location

Lands to the west and north of St. Peter and Paul's Catholic Church, Main Street, Dunboyne, Co. Meath

#### Planning Authority

Meath County Council

#### Planning Authority Reg. Ref.

221509

#### Applicant(s)

Lidl Ireland GmbH

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

First Party against Conditions  
Third Party

#### Appellant(s)

Lidl Ireland GmbH  
Cllr Damien O'Reilly  
John Murphy

David Delaney and David O'Callaghan  
Cllr. Maria Murphy  
Dunboyne Combined Residents  
Association  
Upside Trading Limited (T/A Eurospar  
Dunboyne)  
Concetta Marcari

**Observer(s)**

Niamh O'Shaughnessy

**Date of Site Inspection**

9<sup>th</sup> October 2023

**Inspector**

Elaine Power

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## **1.0 Site Location and Description**

- 1.1. The subject site is located in Dunboyne, Co. Meath on lands associated with St. Peter and Paul's Church. It is located in the centre of the town and is surrounded by a variety of mixed uses.
- 1.2. The site is irregular in shape and has a stated area of 1.45 ha. It is bound to the north by a retail supermarket (Supervalu), partly to the south by Main Street and The Green, to the east and partly to the south by St. Peter and Paul's Church (protected structure) and to the west by Dunboyne Parochial House (protected structure) and residential units. There is an area of undeveloped land (c. 0.365 ha) to the north east of the subject site that is also within the ownership of the applicant.
- 1.3. The is generally flat, however, there is a c. 2m difference between the subject site and the Supervalu site to the north. The majority of the site currently comprises a vacant fields with a surface car park on the southern portion of the site. A boundary wall and mature trees divides the sites in an east – west direction. The northern, eastern and western boundaries generally comprise of hedgerows. The sites southern boundary with Main Street comprises bollards and a sliding vehicular gate.
- 1.4. The surface car park which is located on the southern portion of the overall site is located within the Dunboyne Architectural Conservation Area (ACA).

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the construction of a foodstore and a café. The single storey foodstore has with a gross floor area of 2,200sqm and a net floor area of 1,409sqm and ancillary off licence with 119 no. car parking spaces and an ESB substation. The development also includes the construction of a single storey cafe with a gross floor area of 165sqm, a new public plaza and vehicular entrance. The scheme includes potential pedestrian and cycle connections to adjacent lands.
- 2.2. The works also include the provision of a dedicated church car park with 53 no. car parking spaces to the north east (rear) of the Church. The provision of the car park requires the removal of the northern boundary wall of St. Peter and Pauls Church which is a Protected Structure (RPS 91545).

- 2.3. Works to the public road are also proposed which include a new 4-arm staggered signalised junction on Main Street, footpath widening and the provision of a right turn lane on Main Street.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Grant permission subject to 17 no. conditions. The following conditions are considered relevant:

*2. Prior to commencement of development hereby permitted, the applicant shall submit / address the following for the written agreement of the Planning Authority in relation to Transportation Section requirements:*

*(d) The applicant shall link the control of each of the signalised junctions (i.e the Navan Road, Rooske Road and proposed new signalised junction) to ensure the most efficient management of traffic through the centre of Dunboyne, unless otherwise agreed.*

*2(h) The car parking spaces to the side of the café at the south elevation of the Lidl unit, containing 8 no. spaces and 12 no. spaces respectively, shall be dedicated replacement car parking spaces for those lost in the main town centre area. These spaces shall not be subject to time limited restrictions unless otherwise agreed with Meath County Council.*

*Reason: In the interest of traffic safety (Transportation)*

*3. Prior to commencement of development hereby permitted, the applicant / developer shall submit / address the following for the written agreement of the Planning Authority in relation to Water Services requirements:*

*(a) The applicant shall relocate the proposed hydrobrake to downstream of MH S14 to cater for all 3 catchment areas. In order to isolate and carry out maintenance of the flow control device, a penstock valve (or similar approved)*

*shall be installed within the flow control chamber, on the upstream end of the manhole.*

*(b) Where infiltration systems are to be used they shall be a minimum depth of 1 meter above the winter water table level. The applicant shall excavate a trial hole to confirm the level of the onsite water table. In the event that the formation of the attenuation system is less than 1m above the water table the application shall redesign the attenuation system to provide a fully water tight concrete structure acceptable to MCC Water Services. Impermeable liners are not considered acceptable to MCC Water Services.*

*(c) The proposed attenuation system is not considered acceptable to MCC Water Services, the applicant shall submit a revised surface water attenuation system design acceptable to MCC Water Services. Acceptable systems include oversized pipes, concrete tanks or poly tunnel attenuation systems with an isolator row. Impermeable liners are not acceptable.*

*(d) The applicant shall clearly demonstrate that the finished floor levels are at least 500mm above the maximum adjacent river level and top water level in the onsite drainage system.*

*(e) The applicant has proposed to discharge surface water to the existing surface water drain. The applicant shall engage with and secure written permission of the Municipal District Engineer for access to any surface water drain. The applicant shall undertake any remedial works to the existing surface water drainage network which the Municipal District Engineer considers necessary to facilitate the discharge from the proposed development.*

*(f) Development shall not commence without prior written agreement of the Planning Authority and shall thereafter only be authorised to commence in accordance with the agreed details / plans.*

*Reason: To prevent flooding and in the interest of sustainable drainage (Water Services)*

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

The area planners report dated the 18<sup>th</sup> January 2023 raised no objection to the principle of the development and recommended that permission be granted subject to conditions.

#### 3.2.2. **Other Technical Reports**

*Environment Section:* The email dated 24<sup>th</sup> November 2022 recommends that a recycling facility be provided in the car park.

*Public Lighting Section:* The email dated 28<sup>th</sup> November 2022 raised no objection in principle, however, the report notes that it is unclear if the access road would be taken in charge.

*Water Services:* Report dated 6<sup>th</sup> December 2022 notes that the scheme does not meet the requirements of the water services section and recommends that further information is sought. The concerns raised are addressed in condition no. 3 of the grant of condition.

*Architectural Conservation Officer:* Report dated 6<sup>th</sup> January 2023 notes that the contemporary clean design would site well within the conservation area and would be in contrast to the protect structures. No objection subject to conditions.

*Environment Report:* Report dated 10<sup>th</sup> January 2023 raised no objections subject to conditions.

*Transportation Department:* Report dated 13<sup>th</sup> January 2023 recommended that issues raised be addressed by way of condition. This is reflected in Condition 2 of the grant of permission.

### 3.3. **Prescribed Bodies**

*DAU, Department of Housing, Local Government and Heritage*

- Concerns that the proposed insertion of a large scale retail structure within this historic setting would be potentially impactful on the special built heritage context.

- The relocation of the access away from the chain of historic buildings would be welcomed. Consideration should also be given to providing access to the rear of the proposed scheme, using the already established retail parking and access route. The relocation of the access route would also avoid demolition and removal of the mature trees and the construction of a service road with public lighting.
- Relocating the entrance would also remove the intensification of traffic, thus avoiding negative impact on the amenity of the Green, the built and natural heritage context and favour pedestrian use in line with the objectives of the town centre first policy.
- It is recommended that the service area be relocated away from the gable end of the proposed retail structure to a more discreet location, to retain planting to buffer the proposed development from the amenity of the historic village centre.
- These recommendations would safeguard the integrity of the original plan and form and built heritage as provided for by the architectural conservation area designation.

### ***An Taisce***

- The proposed scheme would have a significant impact on the character and setting of the protected structures.
- The site is highly constricted which narrows to a pinch point as it adjoins the church and the access to the landscaped village green.

## **3.4. Third Party Observations**

The planners report notes that 269 no. submission / representations were received by the planning authority. The concerns raised in the third party submissions are similar to those raised in the third party appeals and the observation outlined below.

## **4.0 Planning History**

### ***Subject Site***

None



## **Surrounding Sites**

ABP. PL17.248301, Reg. Ref. RA/160805: Permission was granted in 2017 for the demolition of a 2-storey shop and single storey dwelling and construction of a 1-2 storey retail development including supermarket (SuperValu), 4 retail units and gym, self-service laundry, ESB substation and 155 no. car parking spaces immediately north of the subject site.

## **5.0 Policy Context**

### **5.1. Meath County Development Plan 2021 – 2027**

The appeal site is zoned B1 – Commercial Town or Village Centre with the associated land use objective *to protect, provide for and / or improve town and village centre facilities and uses*. Guidance for these lands states that the majority of new commercial and retail uses will be accommodated on B1 lands in towns and villages. Supermarkets and cafes are permitted uses.

The southern portion of the site is located within the Dunboyne Architectural Conservation Area (ACA).

Dunboyne is located within the Dublin Metropolitan area. It is designated as a Self-Sustaining Growth Town the settlement hierarchy. These towns are described as having a moderate level of jobs and services and include sub-county market and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.

Section 4.17 sets out the Retail Hierarchy for the County. Dunboyne is identified as a Level 3 centre. The plan notes that Level 3 centres should have a good range of comparison shopping with a mix of uses and services. At least one supermarket and smaller scale comparison department store to cater for local needs. The Retail Hierarchy notes that Dunboyne will gradually develop over the next 20 years to towards a Level 2 centre.

Section 4.21 states that in terms of convenience retail provision, it is evident that certain centres most notably Dunboyne and Enfield are under provided for in terms of convenience offer. Convenience retail development will in particular be promoted in

these urban centres in order to improve competition choice and diversity in the retail market. A large convenience store has opened in Dunboyne (2018) which will make significant inroads in convenience leakage from this centre.

Meath's Retail Strategy 2020-2026 is set out in Appendix 4 of the development plan. It notes that Navan is the only Key Town in the County. Dunboyne is allocated the next largest share of potential floor space. Table 39 of the Strategy states that Dunboyne has an additional retail floor space requirement of 2,000 sqm - 4,744 sqm (convenience goods) and 1,640sqm -3,200sqm (comparison goods) by 2026. It is envisioned that the town will grow significantly during the lifetime of the plan. Table 40 - Extant Permissions (2019) notes that there are no convenience retail developments in the pipeline in Dunboyne. The subject site is identified as part of a larger retail opportunity site within Dunboyne.

The following policies are considered relevant:

**ED POL 30:** To implement the Meath County Retail Strategy 2020-2026

**ED POL 34:** To ensure that future growth in retail floorspace responds to the identified retail settlement hierarchy.

**ED POL 35:** To support the development of Core Retail Areas in each of the retail settlement areas as identified within the County Meath Retail Strategy and reinforce the role and function of the Core Retail Areas.

**ED POL 36:** To adhere to the Sequential Approach principle in the consideration of retail applications located outside of core retail areas.

**ED POL 37:** To facilitate the development of key opportunity sites as identified in all existing retail centres by the County Meath Retail Strategy 2020-2026.

**HER POL 14:** To protect and conserve the architectural heritage of the County and seek to prevent the demolition or inappropriate alteration of Protected Structures.

**HER POL 19:** To protect the character of Architectural Conservation Areas in Meath.

**HER POL 20:** To require that all development proposals within or contiguous to an ACA be sympathetic to the character of the area, that the design is appropriate in terms of height, scale, plot density, layout, materials and finishes and are appropriately

sited and designed with regard to the advice given in the Statements of Character for each area, where available.

## **5.2. *Guidelines for Planning Authorities on Retail Planning in April 2012***

The Department of the Environment issued Guidelines for Planning Authorities on Retail Planning in April 2012. They state that enhancing the vitality and viability of town centres through sequential development is an overarching objective in retail planning. There are 5 key policy objectives – ensuring plan led development; promoting town centres through sequential development; promoting a competitive market place; encouraging sustainable travel by locating shops in locations accessible by such modes; and realising high quality design. A design manual was published with the guidelines.

## **5.3. *Section 28 Ministerial Guidelines***

- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Architectural Heritage Protection Guidelines, 2011

## **5.4. *Natural Heritage Designations***

The Rye Water Valley / Carton SAC (001398) is located c. 5.5km south of the appeal site.

## **5.5. *EIA Screening***

5.5.1. An Environmental Impact Assessment Screening Report was submitted with the application, and I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 of the Planning and Development Regulations 2001. The report, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

5.5.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended

provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Item 10 (b)(iv) Urban Development which 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.
- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.5.3. It is proposed to construct a mixed development comprising of a foodstore, café, ESB substation building and 119 no. car parking spaces on a c. 1.45 ha site. The Regulations define a 'business district' as a district within a city or town in which the predominant land use is retail or commercial use. The appeal site is zoned B1 – Commercial Town or Village Centre with the associated land use objective to protect, provide for and / or improve town and village centre facilities and uses. Guidance for these lands states that the majority of new commercial and retail uses will be accommodated on B1 lands. Therefore, it is my opinion that the subject site falls within the definition of a business district. However, the size of the site is below the applicable threshold of 2ha. There are no excavation works proposed. Having regard to the relatively limited size and the urban location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and Meath County Council, upon which its effects would be marginal.

5.5.4. Given the information submitted by the applicant, having carried out a site visit on the 9<sup>th</sup> October 2023 and to the nature and limited scale of the proposed development and the absence of any connectivity to any sensitive location, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. The planning authority also concluded in their assessment that having

regard to the nature of the proposed development no EIA is required. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of the Third-Party Appeals**

7 no. third party appeals were received from:

- Cllr Damien O'Reilly
- John Murphy
- David Delaney and David O'Callaghan
- Cllr. Maria Murphy
- Dunboyne Combined Residents Association
- Upside Trading Limited (T/A Eurospar Dunboyne)
- Concetta Marcari

The concerns raised in the appeals are similar and have been summarised below.

#### *Commercial Interest*

- Negative impact on existing retail and commercial businesses within Dunboyne due to loss of custom and loss of significant numbers of existing car parking spaces and a loading bay.

#### *Design Approach*

- The design would result in an incongruous form of development that is located partly within and adjoining the Dunboyne Architectural Conservation Area (ACA) and bound by protected structures.
- There is a lack of mixed uses within the scheme. Housing should be considered on this site.
- The low-density nature of this site is not in accordance with national policy.
- The design and form of the supermarket represents a failure to address the specific unique context of the site.

- Given the location within an ACA and proximity to protected structure a visual impact assessment and photomontages are required.
- The proposed design, location, scale, and height is out of character with the area and has no regard to the existing pattern of development.
- The proposed scheme would be highly incongruous.
- The changes to the public road do not take account of the recreational use that The Green provides for local residents several times per year.

### *Heritage*

- The impact of the loss of the boundary wall of the protected structure has not been adequately assessed. The loss would alter and extend the curtilage of the protected structure, which is contrary to policies HER POL 14, HER POL 16, HER POL 19 and HER POL 20 and Objectives Her OBJ 22 of the Development Plan 2021-2027.
- No survey was carried out of the wall to be removed.
- The proposed scheme conflicts with Objectives 1 and 3 of the Dunboyne ACA.
- The loss of historic limestone kerbing outside the site boundary would destroy the historic integrity and risk damage to the protected structures.

### *Car Parking*

- The proposed scheme removes 82 no. existing car parking spaces (62 within the church grounds and 20 no. on-street), which are in high demand in the town centre. Replacement spaces are not provided as the spaces proposed would remain under the ownership of the applicant.
- Condition no. 2(h) is insufficient to ensure adequate public car parking spaces are available for the town centre.
- Proposed provision of car parking is below the standards set out in the development plan. The lack of car parking would result in overspill onto the surrounding residential streets and town centre with a negative impact on the vitality and viability of the town.
- Meath County Council have not consulted with any local businesses regarding the removal of car parking spaces outside their property.

- The submission by Concetta Macari also states that car parking spaces outside their premises are privately owned, as the building was set back to allow the provision of car parking and a loading bay. The submission includes a copy of a planning permission (86/000943). Condition. 6 of this permission relates to the dimensions of car parking spaces to be provided.

### *Connectivity*

- Concerns regarding the poor-quality link between the subject site and the Supervalu site.
- There is no agreement from the third party to this link being provided.

### *Transportation*

- The Traffic Impact Assessment does not include any analysis of the new Church car park or the relationship between the retail and café developments and the church traffic.
- The Traffic Impact Assessment failed to assess the impact of the proposed development on the weekends and outside of the peak (Monday – Friday)
- The traffic counts were carried out during covid restrictions which is not a true representation of traffic in the village.
- Lack of consideration to alternative access arrangements.
- Negative impact on public transport as local residents currently use the public car parking spaces and then take public transport.
- Concerns regarding the loss of accessible car parking spaces.
- Potential traffic hazard due to increased vehicular movements.
- The layout is insufficient to provide a right turn lane. The proposal is dangerous.
- The planning authority had no regard to the GDA Cycle Network Plan.
- The layout is not in accordance with DMURS and is not appropriate for a town centre site.
- The scheme would introduce more vehicular traffic and discourage pedestrian and cycle movements.
- The proposed development would bring HGV movements through the village.

- The applicant has no legal rights outside of their site boundary. Control of traffic management should not be given to a private entity.

#### *Public Road*

- The proposed scheme results in profound changes to the road layout and public realm of the town centre. Concerns regarding the lack of clarity regarding the junction design around The Green.
- Changes to the public realm should be done by way of Part 8. This application removes the powers for councillors.
- The historical trees on The Green should be given a protected status.
- The scheme results in the loss of c. 60sqm of public space.

#### *Retail Use*

- Insufficient assessment of the retail use with an overreliance on Appendix 4 – Retail Strategy of the Development Plan. These are indicative guidelines only.
- The proposed development would result in an overconcentration of supermarkets. There is a new Supervalu in Dunboyne and existing Aldi and Lidl supermarkets in Clonee c. 3km from the subject site.
- There is a lack of synergy between the existing retail uses in Dunboyne.

#### *Environment*

- The proposed development would negatively impact on avian species including Merlins who are susceptible to changes in land use, including the destruction of habitat that contains their primary feeding needs.
- The field work assessment was carried out in October, outside of the bird nesting season and time for summer migratory birds. The survey does not give a fair representation of species utilising the site.
- Nocturnal mammals are not addressed in the environmental report.
- The loss of natural habitat would have a detrimental impact on birds, insects, and mammals in the area.
- No bat assessment was carried out.
- Concerns regarding the loss or damage to mature trees on The Green.



### *Water Services*

- The location of the development would have an adverse impact an increase the risk of future flooding.
- There was no public consultation regarding the proposed changes to the road layout and the loss of public car parking spaces.
- The impact of the proposal has not been adequately assessed by the local authority.

## **6.2. Grounds of the First Party appeal**

Appendix 2 of the first party appeal includes a Traffic and Transportation Technical Note and Appendix 3 includes a Water Services Technical Note. The main grounds of the first party appeal relate to conditions 2 and 3 attached to the grant of permission. The conditions are noted above in Section 3.1. The grounds of the appeal are summarised below:

### *Condition 2(d)*

- Condition 2(d) to link the control of each of the signalised junctions i.e the Navan Road, Rooske Road and proposed new signalised junction should be omitted as it is unreasonable and unnecessary.
- There is a separation distance of c. 160m between the proposed access and the existing junction of Summerhill Road / Old Navan Road / Maynooth Road / Main Street and there are also several side road connection points between these junctions. There is a separation distance of 230m between the proposed access and the existing junction of Rooske Road /Main Street. The junctions are too far apart to link in a practical or meaningful way.
- It is unknown if the 2 no. existing junctions are operating under SCATS or are SCATS compatible and it is considered that MCC would require SCATS compatible signals. The financial cost of connecting these junctions to SCATS (via underground ducting) would not result in any meaningful improvements on the road network, as the junctions are too far apart.

### *Condition 2(h)*

- Condition 2(h) requires that the car parking spaces to the side of the café at the south elevation of the Lidl unit, containing 8 no. spaces and 12 no. spaces respectively, be dedicated replacement car parking spaces for those lost in the main town centre area and should not be subject to time limited restrictions. This condition is considered unreasonable and restrictive.
- The footpath widening, which was required by MCC and will benefit all town centre uses, and the introduction of new traffic signals and crossing points will result in the loss of several spaces. There is potential to introduce additional car parking at the eastern side of The Green at the corner by Macaris. This would be subject to detailed design.
- It is unreasonable and opportunistic of MCC to require the applicant to accommodate spaces which would be lost if MCC were installing a crossing independently of this application.
- The applicant has no objection to town centre users utilising the car park, as is done in other town centres, as it is acknowledged that these users may make a secondary trip to Lidl or the café. However, unrestricted car parking in the town centre is unreasonable and goes against all principles of encouraging sustainable travel and would unduly impact on the café unit and spaces closest to the Lidl customer entrance. These spaces which would have a frequent turn over could potentially be used by commuters or staff working in the town centre.
- The existing church car park would be replaced by a new church car park, to the rear of the church. This car park would serve church demand and should not be a factor in the consideration of town centre parking.
- Town parking surveys in Ireland indicate that a 2-hour unlimited parking period is sufficient for any customer of the proposed development or for visitors to Dunboyne, including school drop off / pick-up.
- There would remain a significant provision of uncontrolled kerbside parking in the central area which can accommodate the demands of the town centre.

*Condition 3(a)*

- Due to the variance in topography from the retail store car park to the site entrance, the location of the hydrobrake at the entrance is not viable. A penstock valve will be installed. Any discharge from the infiltration tanks to the surface water outlet is intended as emergency overflow only, in events exceeding the 1 in 100-year climate change event.

*Condition 3(b)*

- Geotechnical testing and BRE 365 percolation testing were carried out and detailed in the geotechnical report for both areas of the proposed infiltration systems. As indicated that attenuation system is not less than 1m above the water table. The infiltration system has been demonstrated as viable in both locations.

*Condition 3(c)*

- It is proposed to construct the tank in oversized pipes or Stormtech S740 poly tunnel system providing the equivalent volume of the previously proposed crate system.

*Condition 3(d)*

- A Flood Risk Assessment was submitted with the application which indicates that the maximum river level is 67.01mOD for AEP 0.1%. The lowest finished floor level on site is the café unit at 68.5mOD, this exceeds the 500mm freeboard by 990mm.

*Condition 3(e)*

- The applicant will engage with the Municipal District Engineer for written consent and is not aware of any functional or capacity issues with the surface water drain proposed for discharge.

### Condition 3(f)

- Condition 3(f) which requires that the development shall not commence without prior written agreement of the Planning Authority and shall thereafter only be authorised to commence in accordance with the agreed details / plans, is noted and no action is required.

### 6.3. Applicant's Response to the Third-Party Appeals

- 6.3.1. The applicant's response to the third-party appeal by Cllr. Damien O'Reilly was submitted on the 23<sup>rd</sup> February 2023 and is summarised below.

#### *Part 8*

- It is incorrect that works cannot be carried out on the public road without being subject to a Part 8 application. Any individual / group can seek planning permission on the public road, just as the Council would under a Part 8 application, for works it wishes to carry out. Part 8 is the process that a Local Authority must go through if they intend to do the work themselves. A letter of consent to the works has been provided with the application.

#### *Loss of Car Parking*

- The proposed development would introduce additional off street car parking spaces, in addition to those available within the town centre. The spaces being removed from The Green are to make way for improvements to footpath widths and crossing points to make the area safer for pedestrians. These works are in accordance with the provisions of DMURS and the requirements of MCC.

#### *Public Realm*

- The works in the public realm are very minor and involve the removal of 1 no. tree and the setting back of the kerb to facilitate the right turn.
- Footpath widening around The Green outside the former national school and Macari's are positive interventions for pedestrians.

### *Car Parking*

- The works to the public road would result in the loss of 1 no. accessible space on Main Street, outside Brady's public house, however, a new accessible space would be provided in lieu of an existing standard space. Therefore, maintaining 1 no. accessible space on Main Street.
- The accessible space opposite the Church entrance would be removed. This space would be replaced by an accessible space within the subject site, adjacent to the café unit. This new space is considered to be significantly more usable and safer than the one on The Green which has no access to a footpath and is on a corner.

### *Dunboyne Architectural Conservation Area (ACA)*

- During pre-planning discussions MCC considered the removal of car parking around The Green to be a positive enhancement of the space.
- The footpath widening and the traffic crossing would introduce a safer space for pedestrians and traffic, where there is an existing desire line.
- A full tree survey was carried out to ensure HGV's could access the site without impacting on branches of the existing trees. It is also noted that CIE carries out its own branch cutting of trees opposite the bus terminus stop.

6.3.2. The applicant submitted an additional response on the 13<sup>th</sup> March 2023 which includes CGI's, a condition report (boundary wall) and a traffic note. To avoid repetition the issues addressed in the previous response, summarised above, are not repeated below.

### *Principle of Development.*

- This is a natural location for a foodstore. Only 2 no. appeals were from businesses within the town. The site is zoned for town centre uses. A supermarket is permitted in principle. Residential can form a part of a development but is not a requirement. This form of development is acceptable in terms of density.

- The boundary wall is located on lands zoned G1 – Community Infrastructure. Car parking and places of worship are permitted under this zoning objective. Linking the church to the proposed church car park is logical.
- The Green is zoned F1 open space. Vehicular / cyclist / pedestrian access is open to consideration. Given the need to access the lands zoned B1 from this area the minor works are considered acceptable.

#### *Design Approach*

- The stores orientation allows for better north – south connectivity linking to the potential pedestrian / cycle route within the Supervalu site to the north.
- The siting of the supermarket outside of the ACA was agreed with and welcomed by MCC, including the conservation officer.
- Due consideration has been given to the design, finishes, landscaping, boundary treatments, ground treatment and lighting. This is an appropriate design response to the character of the area and having regard to the sites zoning objective, retail opportunity site designation, need for access and parking etc.

#### *Transportation*

- This is a town centre site and would, therefore, encourage trips by walking and cycling. Many residents leave the town for grocery shopping. This is an appropriate location and would contribute positively to addressing Climate Action objectives.
- The works include enhanced footpaths around the main church entrance and Green. This would remove the informality and make it safer for pedestrians.
- The access is justified by the lack of any other option. Access from the Supervalu site was considered but would require the agreement of a third party, which is not forthcoming.
- The planning permission for the Supervalu site did not require vehicular access to the subject site.

### *Connectivity*

- A ramped and stepped access is proposed to the adjacent site. It also ensures the entrance to the store is close to the retail core (i.e The Green area).
- The proposed layout includes a link to lands to the north-east and within the ownership of the applicant. In time this would create a connection to a residential development.

### *Car Parking*

- The scheme incorporates 172 no car parking spaces, 111 no. Lidl spaces, 8 no. café spaces and 53 no. church spaces. The scheme includes cycle and EV parking. The proposed development results in a total gain of 93 no. spaces in the town centre, which are available to all. The proposed scheme would not result in a loss of spaces.
- The church car parking spaces are accessed by the proposed internal access road and would be gated.

### *Built Heritage*

- The café is located within the ACA. It has been designed to ensure its height does not exceed the eaves of the Parochial House. The café use would also create activity and improve the appearance of an area currently in use as a car park.
- The impact of the loss of the boundary wall of the church is addressed in a Heritage Impact Assessment. The wall to be removed is not considered to be of any substantial importance.
- The Green is cluttered. The removal of car parking for The Green is a positive intervention and would help to restore its historic character.
- The church spaces are more discreetly located away from the conservation area.
- The applicant is happy to reuse the limestone kerbing in The Green, if considered appropriate.

- In response to concerns that the submitted documents were not in accordance with HER OBJ 22 a measured and photographic survey condition report have been submitted.
- Specific concerns raised by Concetta Macari indicating that car parking should be retained outside of their premises could be facilitated by narrowing the footpath.

#### *Public Realm*

- It is not proposed to materially impact on the main green area or its Memorial in any substantive physical manner.

#### *Retail Use*

- The site is suitable, viable and available. It represents the best balance of delivering much needed additional food retail for a town that is growing quickly on a sequentially preferable site, expressly promoted by the development plan as a retail opportunity site.
- Due to the central location of the site and its designation as a retail opportunity site a Retail Impact Assessment is not required.

### **6.4. Planning Authority Response**

The planning authority's submission dated the 21<sup>st</sup> February 2023 notes that content of the third party appeals and states that all the matters are considered to have been previously addressed in the planners report. Accordingly, it is requested that the Board uphold the decision to grant permission subject to any revisions it deems necessary.

An additional response from the planning authority dated 29<sup>th</sup> September 2023 reiterates the contents of the previous submission.

### **6.5. Observations**

An observation was received from Niamh O'Shaughnessy. The concerns raised are generally similar to those in the appeals, which are outlined above. In addition, the observation notes that the Lidl Supermarkets promote the use of the car and are not



designed for pedestrian or cyclist shoppers. The placing of such a supermarket in Dunboyne would lead to congestion, increase road safety risks, a deterioration in air quality and overall environmental detriment.

#### **6.6. Further Responses to the First Party Appeal**

With regard to the applicants first party appeal 2 no. further responses were received from Concetta Macari (dated 13<sup>th</sup> March 2023) and Upside Trading Limited (dated 14<sup>th</sup> March 2023). The submissions raise similar concerns and are summarised below. The concerns raised in both responses are similar to those raised in the appeals. To avoid repetition only additional concerns raised are summarised below.

##### *Transportation and Car Parking*

- Condition 2(d) required the junctions on Navan Road, Rooske Road and the proposed new junction to be linked. Therefore, if they are not linked it is assumed that the proposed development would result in a traffic hazard and congestion. This would negatively impact the appellants business.
- The applicant does not want the burden of the financial costs associated with signalising the junctions.
- The swept path analysis fails to show how a HGV would access the site. Due to the inadequate lane width it is assumed it cannot access the site without blocking west bound traffic. This is indicated on drawing no. SRC-312-101.
- Dunboyne has 2 no. train stations, both of which have significant numbers of car parking spaces. Dunboyne is served by 3 no. bus routes. There is no evidence the bus users park in the town centre. Therefore, there is no requirement for long term commuter parking in the town centre.
- The response by Concetta Macari also noted that the loss of car parking and a loading bay from their private property is unacceptable. These spaces are used by customers, tenants, and delivery drivers.
- The location of the supermarket in conjunction with the Supervalu site would negatively impact the viability and vitality of the town centre / retail core.

### *Water Services*

- The application may be premature pending upgrades to the water and drainage networks. This issue has not been fully addressed by the applicant.

## **6.7. Further Responses to the Applicants Response to the Third-Party Appeals**

The applicant's response to the third-party appeals was recirculated. 5 no. submissions were received with regard to the applicant's response to the third-party appeals. These responses were from:

- Concetta Marcari;
- Dunboyne Combined Residents Association;
- Cllr. Maria Murphy;
- John Murphy; and
- Niamh O'Shaughnessy.

The submissions raise similar concerns and are summarised below. To avoid repetition only additional concerns raised are summarised below.

### *Policy*

- The proposed development is not in accordance with the key priorities for the city and metropolitan growth area set out in the Draft Sustainable and Compact Settlements Guidelines.
- The scheme is not in accordance with provisions of development plan to preserve the character of architectural conservation areas.
- The scheme is contrary to Policy RET POL 4 of the LAP which aims to discourage uses that distract from the essential character of the centres, displace retail uses that contribute to the vitality and viability of centres.

### *Transportation*

- Traffic signals would create a chaotic and dangerous junction.
- There are no cycle routes through the site.

- The pedestrian and cycle route to the Supervalu site are unsafe and not in accordance with the standards set out in the Cycle Design Manual.

#### *Car Parking*

- The car parks would be empty after 7pm and would be unsafe.
- Insufficient evidence that the relocation of the disabled spaces would be safer.
- There is no provision within the private car park for school drop offs / collections.
- Bus Connects would result in the loss of additional car parking in Dunboyne. This application is premature until the Bus Connects application is finalised.

#### *Retail / café use*

- Dunboyne would be better served by a number of small artisan business in keeping with the character of Dunboyne.
- Lidl would be better located away from the town centre.
- There already 8 cafés in the village. There is no requirement for an additional café.

#### *Public Realm*

- There are already proposals to provide a pedestrian crossing within the town centre, between Macaris and the Eurospar. The proposed development would delay these works.
- The applicant should guarantee that there would be no damage to trees. It is not sufficient or acceptable that a mature tree would be replaced with a young tree.

## **7.0 Assessment**

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development

- Retail Use
- Design Approach
- Built Heritage
- Transportation
- Car Parking
- Connectivity
- Public Realm
- Water Services and Flood Risk
- Ecology

## 7.2. ***Principle of Development***

- 7.2.1. It is proposed to construct a mixed-use development comprising a foodstore and a café and 119 no. car parking spaces on a 1.45 ha site in Dunboyne Town Centre. The vast majority of the appeal site is zoned B1 – Commercial Town or Village Centre with the associated land use objective to *protect, provide for and / or improve town and village centre facilities and uses*. Guidance for these lands states that the majority of new commercial and retail uses will be accommodated on B1 lands in towns and villages. Supermarkets and cafes are both permitted uses.
- 7.2.2. A narrow strip of land at the site's southern boundary with St. Peter and Pauls Church is zoned G1 - Community Infrastructure with the associated land use objective to provide for necessary community, social, and educational facilities. This area would accommodate the church car park. Car parking is permissible on lands zoned G1 – Community Infrastructure. The concerns raised by the third parties that the proposed development encroaches on lands zoned G1 Community Infrastructure are noted. However, I am satisfied that the proposed car park use is in accordance with the G1 zoning objective for the site.
- 7.2.3. It is also noted that The Green located to the south of the subject site is zoned F1 – Open Space with the associated land use objective to provide for and improve open spaces for active and passive recreational amenities. The applicant's redline boundary extends to the public road (Main Street) and includes a narrow section of the northern

portion of The Green. This area is included in the red line boundary to allow for works to the public road to facilitate access to the site and allow for public realm improvements. Vehicular / cyclist / pedestrian access on zoned lands for open space are open for consideration, where appropriate. The concerns raised by the third parties that the proposed development encroaches on lands zoned for public open space are noted. However, I am satisfied that the proposed use is in accordance with the Open Space zoning objective for the site and that the loss of space to accommodate the road realignment and increased footpath widths would have a negligible impact on The Green and would have wider benefits for the town centre.

- 7.2.4. I am satisfied that the proposed uses are in accordance with the zoning objectives for the appeal site and that the scheme should be assessed on its merits.
- 7.2.5. Third parties raised concerns that there is a lack of mixed uses within the scheme and that housing should be considered on this site. Section 7.2.7 of the Meath Retail Strategy 2020-2026, which is set out in Appendix 4 of the development plan, identifies the subject site (1.45 ha) as a retail opportunity site in Dunboyne. It is noted that the subject site forms part of a larger 2.32ha site that is identified. As the proposed development is in accordance with the site's zoning objectives and the site has been identified as a retail opportunity site, I am satisfied that the mix of uses are appropriate in this instance.
- 7.2.6. Specific concerns were also raised by some third parties that the proposed development would be contrary to policies and objectives of the Dunboyne LAP. It should be noted that all Local Area Plans (LAP's) were superseded by current Meath County Development Plan 2021 - 2027. Volume 2 of the development plan provides written statements and maps for settlements in the County. With regard to the settlement of Dunboyne / Clonee, Volume 2 of the development plan notes that the overall policy (Policy DCE POL1) for Dunboyne is to support the development of Dunboyne and Clonee as an enterprise and employment hub that will be completed by a compact, attractive, and sustainable residential community and urban environment. The plan also notes that Dunboyne has benefitted from significant investment in its retail offering and that this has improved the quality and range of retailing in the town. Future retail investment will be focused in the town centre area to ensure the urban core of the town is preserved. I am satisfied that the proposed

development is in accordance with the vision set out for Dunboyne / Clonee in Volume 2 of the development plan.

### **7.3. Retail Use**

- 7.3.1. The proposed development includes the provision of a single storey Lidl foodstore with a gross floor area of 2,200sqm and a net floor area of 1,409sqm and ancillary off licence. Third parties raised concerns that the proposed development would result in an over concentration of supermarkets in Dunboyne which would negatively impact on the vitality and viability of the town centre.
- 7.3.2. Dunboyne is identified as a Level 3 centre in the Retail Hierarchy for the County. The development plan states that Level 3 centres should have a good range of comparison shopping with a mix of uses and services with least one supermarket and smaller scale comparison department store to cater for local needs. The Retail Hierarchy notes that Dunboyne will gradually develop over the next 20 years towards a Level 2 centre. Level 2 centres are classified as Major Town Centres / County Town and should offer a full range of retail services including convenience stores of all types.
- 7.3.3. The Retail Strategy notes that Navan is the only Key Town in the County. Dunboyne is allocated the next largest share of potential floor space. Table 39 of the Strategy states that Dunboyne has an additional retail floor space requirement of 2,000 sqm - 4,744 sqm (convenience goods) and 1,640sqm - 3,200sqm (comparison goods) by 2026. It is envisioned that the town will grow significantly during the lifetime of the plan. Table 40 – Extant Permissions (2019) notes that there are no convenience retail developments in the pipeline in Dunboyne. Section 4 above also outlines the planning history for the surrounding area and it is noted that there are no current proposals for convenience retail within Dunboyne.
- 7.3.4. Section 4.21 of the development plan further states that in terms of convenience retail provision, it is evident that certain centres most notably Dunboyne and Enfield are under provided for in terms of convenience offer. In particular, convenience retail development will be promoted in these urban centres to improve competition choice and diversity in the retail market. As noted above, the subject site is identified in Section 7.2.7 of the Retail Strategy as part of a larger retail opportunity site within Dunboyne, which is supported by Policy ED POL 37 to facilitate the development of

key opportunity sites as identified in all existing retail centres by the County Meath Retail Strategy 2020-2026.

- 7.3.5. Third parties raised concerns that the recently completed Supervalu supermarket has filled the requirement for additional convenience shopping in Dunboyne. The Retail Strategy covers the period 2020-2026 and is fully cognisant of the Supervalu that was completed in 2018. The recently completed supermarket (Supervalu) is specifically noted in the Retail Strategy, which considers that Dunboyne currently has an under provision of convenience stores. The Retail Strategy further notes that there are low levels of vacancy in Dunboyne to accommodate new retail development in the town. Having regard to the provisions of the development plan and in particular the Retail Strategy for the County, which is evidence based and robust, I am satisfied that there is capacity within Dunboyne to accommodate an additional convenience store and that the proposed development would not negatively impact on the vitality and viability of the town centre.
- 7.3.6. Third parties note the provision of supermarkets within Clonee, c. 3km from Dunboyne. The overarching aim of the Retail Strategy is to sustain and improve the retail competitiveness of the county and to address expenditure leakage and ensure an equitable and sustainable distribution of retail floorspace across the County. While the proximity of the appeal site to Clonee is noted I am satisfied that there is a convenience retail deficiency within Dunboyne. Reduced leakage to surrounding centres would have a positive impact on the retail sector within Dunboyne. It would also consolidate retail uses within the centre of Dunboyne and support its gradual growth to a Level 2 Centre.
- 7.3.7. Concerns are also raised by some third parties that the applicant has provided insufficient assessment of the retail use with an overreliance on Appendix 4 – Retail Strategy of the Development Plan and that a Retail Impact Assessment should have been permitted. In accordance with the provisions of the Retail Planning Guidelines a Retail Impact Assessment may be required for significant retail development, which due to its scale and or location may impact on the vitality and viability of town centres. Having regard to the sites zoning objective, its designation of as a retail opportunity site, its location within the centre of the town, the nature and scale of the development

and the provisions of the Meath Retail Strategy, which is robust, and evidence based, I am satisfied that there is no requirement to submit a Retail Impact Assessment.

7.3.8. Third parties also considered that Dunboyne would be better served by a number of small artisan business in keeping with the character of Dunboyne and that a Lidl supermarket should be provided at an out-of-town location. Section 3 of the Retail Planning Guidelines notes that large convenience stores are now an accepted element of retailing in large towns and that large convenience goods stores 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 to support and add variety and vitality to existing shopping areas and also to facilitate access by public transport for shoppers.* I am satisfied that a supermarket is an appropriate use on the appeal site.

7.3.9. While the concerns of the third parties are noted I am satisfied that the proposed development is in accordance with the provisions of the Retail Planning Guidelines and the provisions of the Development Plan, in particular ED POL 30 to implement the Meath County Retail Strategy 2020-2026 and ED POL 34 to ensure that future growth in retail floorspace responds to the identified retail settlement hierarchy. It is also noted that the planning authority raised no concerns regarding the provision of a supermarket on the subject site.

#### 7.4. ***Design Approach***

7.4.1. The site is located in Dunboyne town centre and has a stated area of 1.45ha. It is irregular in shape and generally flat. The proposed development comprises a single storey foodstore and café with associated car parking and a separate car park to serve the existing church. The scheme incorporates an internal access road from Main Street that runs along the site's eastern boundary with the St. Peter and Pauls Church.

7.4.2. Concerns are raised by the third parties that the design, location, scale and height of the proposed development is out of character with the area and has no regard to the existing pattern of development or the sites historical setting and location within an ACA. An Taisce raised additional concerns that the site is highly constricted, which narrows to a pinch point as it adjoins the church and the access to the landscaped



village green. The DAU also raised concerns regarding the impact of the proposed scheme on the built heritage Dunboyne.

- 7.4.3. In my opinion the appeal site comprises 3 no. distinct elements. The southern portion of the site, which would accommodate the café use, the north-west portion of the site which would accommodate the supermarket and the north eastern portion of the site which would accommodate the church surface car park.
- 7.4.4. The southern (front) portion of the site has a stated area of 1,693sqm. This area would accommodate the proposed single storey café and the vehicular access to the site. This area is currently in use as a surface car park and is located within the Dunboyne Architectural Conservation Area (ACA). It is bound to the west by St Peter and Pauls Catholic Church, which is a protected structure (RPS 91545) and listed on the NIAH (14341007) and to the east by the Dunboyne Parochial House, which is also a protected structure (RPS 91543) and listed on the NIAH (14341008).
- 7.4.5. Objective 1 of the Dunboyne ACA aims to *‘preserve the character of the village and its setting by requiring that the height, scale, and design of any proposed development within the village core and adjoining area should complement the character of the village and not diminish its distinctiveness of place’*.
- 7.4.6. The southern portion of the site is the narrowest section of the overall site. The proposed café building is located at the site’s western boundary, c. 6m from the parochial hall (protected structure) and c. 55m from the church (protected structure). The building has a gross floor area of c. 160sqm. It has a contemporary design approach, with a gable ended pitched roof with a maximum height of 8.7m, which is c. 2m below the roof of the parochial hall. The predominant external finish is render with a random rubble stone wall feature on the western elevation. The café building is set back from the front building line of the parochial house and in my opinion the overall the scale and massing of the café building is subordinate to the adjacent protected structures. In my opinion the contemporary design approach provides and appropriate contrast to these historic buildings.
- 7.4.7. The café is set back c. 10m from the site’s southern boundary with Main Street. It is proposed to provide a public plaza to the front of the café with hard and soft landscaping. The sites current boundary with Main Street comprises bollards and a

sliding metal gate. It is proposed to realign the sites boundary to allow for the potential provision of bus shelter at the existing bus stop on Main Street. The new boundary would comprise a random rubble wall. It is proposed to provide 8 no. dedicated car parking spaces for the café use. These spaces would be accessed from the internal access road and are located to the east of the café building.

- 7.4.8. Third parties raised concerns that given the location within an ACA and proximity to protected structure a visual impact assessment and photomontages should have been submitted. The Design Statement submitted with the application includes short range photomontages of the site and additional CGI's were submitted with the applicants response to the appeal. I am satisfied that these provide a reasonable representation of the proposed development, and that sufficient information has been submitted in the plans and documentation submitted to allow for a full assessment of the visual impact of the scheme.
- 7.4.9. In my opinion the high-quality contemporary design of the café would be a welcome addition to the town centre as it would provide an appropriate active use onto Main Street. It is also noted that Objective 1 of the ACA does not preclude development on the subject site. Having regard to the current use of the southern portion of the appeal site as a surface car park I am also satisfied that the proposed café would improve the visual amenity of the streetscape, would not detract from the adjacent protected structures and is in accordance with Objective 1 of the Dunboyne ACA.
- 7.4.10. The submission from the DAU notes that the relocation of the access away from the historic buildings would be welcomed and that consideration should also be given to providing access to the rear of the proposed scheme, using the already established retail parking and access route. Concerns are also raised by third parties that the applicant has not given due consideration to alternative access arrangements to the site and that access should be provide through the Supervalu site to the north and not through the town centre. The applicant has stated that they have engaged with the third party regarding vehicular access from the sites northern boundary and an arrangement has not been reached. It is also noted that there is a 2m level difference between the two sites. It is acknowledged that the site access is via the ACA. However, at present the site, which includes a surface car park, is accessed from Main Street. It is also noted that the bus terminus and church are also accessed from the

northern side of The Green, therefore, this is an established vehicular route within the town centre. I am satisfied that there is an existing suitable and available vehicular access to the site that does not require the agreement of a third party, and that there is no requirement for the applicant to provide an alternative arrangement. I am also satisfied that the access arrangements would not negatively impact on the ACA.

- 7.4.11. As noted above the café building is set back c. 10m from the public road and a public plaza would be provided at the site's southern boundary. Section 7.7.12.1 of the development plan notes that public art can assist with developing a sense of place and provides an identity and character to a community that is distinctive and unique. This is supported by Policy SOC POL 54 of the development plan to promote the provision of public art where appropriate. If permission is being contemplated it is recommended that a piece of public art be provided within the public plaza.
- 7.4.12. The proposed foodstore is located to the rear of the café unit, in the north-west portion of the site. This area forms the majority of the overall site, with a stated area of 9,015sqm. It is currently in use as a vacant field. This site is not located within the ACA. However, it is located c. 35m north-west of St. Peter and Pauls Church (protected structure). The site is bound to the north by the surface car park of an existing Supervalu and to the east by open fields within the ownership of the applicant.
- 7.4.13. The proposed supermarket has a gross floor area of c. 2,200sqm. It is a single storey building with a gently sloping mono-pitched roof with a maximum height of 6.8m. The predominant external material of the southern (front) elevation of the building is grey glazing. The remaining elevations are predominately finished in a white render. The roof would be finished in aluminium grey cladding. The building is set back c. 60m from the site's southern boundary with Main Street. It is proposed to provide 12 no. car parking spaces to the south (front) of the supermarket building. These spaces are accessed from the internal access road and are physically separated from the café spaces by hard landscaping, trees, and bicycle parking. The remaining (99 no.) car parking spaces associated with the supermarket use are located to the east (side) of the building, these spaces are accessed via a separated entrance on the internal access road. A dedicated loading bay / delivery area is located to the rear of the supermarket building at the site's northern boundary.

- 7.4.14. The DAU raised specific concerns regarding the insertion of a large-scale retail structure within this historic setting which it considered would be potentially impactful on the special built heritage context. The supermarket is not located within the ACA. It is set back c. 60m from the public road and c. 35m from the St. Peter and Pauls Church (protected structure). While it is acknowledged that the supermarket building would be partially visible from the public road and highly visible from the protected structures, I am satisfied that due to its relatively limited height and the high-quality materials it would not negatively impact on the visual amenities of the town centre. I have no objection to design, form and siting of the supermarket and consider it to be appropriate for a modern standalone supermarket.
- 7.4.15. The proposed church car park site is located to the rear of the existing church, in the north-eastern portion of the appeal site. This site has a stated area of 1,664 sqm. The vast majority of the site comprises a vacant field. The southern portion of this site includes a boundary wall with the church. It is proposed to demolish this boundary wall to facilitate the car park and access to the church grounds. The impact of the proposed demolition of the wall on the church (protected structure) is addressed in the Built Heritage Section below. However, in the interest of clarity I have no objection to the demolition of the wall to facilitate the proposed development.
- 7.4.16. It is noted that An Taisce raised concerns that the site is highly constricted, which narrows to a pinch point as it adjoins the church and the village green. As noted above the proposed buildings are located between 35m and 55m from the church. The proposed internal access road is located 20m from the church. The site has an overall stated area of 1.45ha. In my opinion the proposed site is not highly constricted, and I am satisfied that this zoned and serviced, urban site is capable of absorbing the proposed development without negatively impact on the visual amenities of the area.
- 7.4.17. A Sunlight, Daylight and Shadow Assessment was submitted with the application. The assessment analysed the impact of the development on existing residential properties located to the west of the appeal site. The assessment indicates that the proposed development complies with BRE targets and would not negatively impact on daylight or sunlight for existing properties. It is noted that no concerns were raised by the third parties, prescribed bodies, or the planning authority regarding overshadowing.

7.4.18. The supermarket incorporates signage. Signage details are provided on drawing no. LDB-MCA-00-ZZ-DR-A-6000 which indicated 8 no. items of signage (Sign L1 – Sign L8). Signs L1 and L2 comprise internally illuminated 'Lidl' logo signs. These signs are 2.5m in width by 2.5m in height and would be located c. 3m from the ground floor level on the southern (front) and eastern (side) elevations of the supermarket building. Sign L4 is located at the vehicular entrance to the site at sites southern boundary with Main Street. This sign is c. 1.8m in width by 1.8m in height and comprises a granite cladding with a 1m in width by 1m in height by 0.6m in depth internally illuminated 'Lidl' sign. Signs L5, L6 and L7 are located on the eastern boundary of the supermarket building. These signs are c. 4.1m in width by 2.1m in height and are described as billboard signage. Sign L8 is a finger post sign comprising 2no. poles, c. 1.5m in height and 1.6m apart with signage / information provided at the top. The proposed location of the fingerpost sign is not clear from the drawings submitted. However, I have no objection in principle to the provision of a fingerpost sign and consider that the final location can be agreed with the planning authority by way of condition. It is noted that no details of signage for the café have been submitted. The planning authority raised no objection to the proposed signage, however, condition 7 required the applicant to submit the final details of the signage to the planning authority. I am satisfied that the retail signage is appropriate for the location and scale of the retail development and would not be visually obtrusive or have any negative impact on the visual amenities of the streetscape. However, if permission is being contemplated it is recommended that final details be agreed with the planning authority, with particular regard to the level of illumination and the café signage.

7.4.19. Third parties also raised concerns that the low-density nature of the scheme is not in accordance with the provisions of national policy. As this is a retail development (residential) density standard do not apply. As outlined above, it should also be noted that the proposed uses are in accordance with the sites zoning objective.

7.4.20. It is noted that the report of the Environment Section of the planning authority recommended that a condition be attached to any grant of permission that a recycling facility / bottle bank be provided within the car park area. It is noted that this request was reflected in Condition 4. If permission is being contemplated it recommended that a similar condition be attached in this regard.

7.4.21. In conclusion, given the size of the site (1.45ha), it's located within the urban core on lands that are zoned and serviced, the high-quality design and layout of the scheme and the landscaping proposals, it is my view that the proposed development represents a reasonable response to its context and would support the consolidation of the urban area. I am satisfied that the proposed scheme would not detract from the visual amenities of this the ACA and would not be visually obtrusive. It is also noted that the planning authority raised no objection in principle to the design and layout of the scheme.

## 7.5. ***Built Heritage***

7.5.1. The subject site is located in Dunboyne town centre. It is bound to the south and east by St. Peter and Pauls Church (Protected Structure) and to the west by the Parochial Hall (Protected Structure). As noted above, the southern portion of the site which would accommodate the café use, associated car parking and the access road is located within the Dunboyne ACA. Concerns are raised by third parties, An Taisce and the DAU that the proposed scheme would have a significant impact on the character and setting of the protected structures and the ACA.

7.5.2. St. Peter and Pauls Church is a protected structure (RPS 91545) and listed on the NIAH (14341007). The RPS describes the building as a detached gable-fronted church, built in 1956. It has a Regional rating on the NIAH. Dunboyne Parochial House is also a protected structure (RPS 91543) and listed on the NIAH (14341008). The RPS describes the building as a detached three-bay two-storey parochial house, built 1878. It also has a Regional rating on the NIAH.

7.5.3. There are 3 no. additional protected structures on Main Street in Dunboyne town centre. Dunboyne National School is a protected structure (RPS 91543). It is located to the west of the Parochial House, c. 45m east of the subject site. It is described on the RPS as a detached nine-bay single-storey national school, built c.1908. This building is also listed on the NIAH (1441009), with a Regional rating. Dunboyne Cottage is a protected structure (RPS 91544). It is located c. 85 m south-east of appeal site. The RPS describes this building as a detached three-bay two-storey house, built c.1880. This building is listed on the NIAH (14341005), with a Regional rating. A House / Shop is a protected structure (RPS 91542). It is located c. 65 m south of the appeal

site, on the opposite side of The Green. It is described on the RPS as a detached eight-bay two-storey house, built c.1870. This building is listed on the NIAH (14341006) with a Regional rating.

- 7.5.4. A Heritage and Conservation report entitled '*Report on the Architectural / Historic Significance of the Lidl Development Site, Dunboyne County Meath, (Within and Adjoining the Dunboyne Architectural Conservation Area) and Observations on the Impact of the Current Proposal*' was submitted with the application. The report notes that the southern portion of the appeal site, that is currently located within the ACA, previously accommodated a church, built in the 1800's, with open fields to the rear.
- 7.5.5. The Dunboyne ACA notes that the special character of Dunboyne results from an overlapping of features derived from its long historical development. A major element is the rectangular green, east of the medieval core and carved out in the early 19<sup>th</sup> Century. The ACA notes that the original church, which was demolished in 1993, was the initial focus of The Green.
- 7.5.6. It is acknowledged that the proposed café building is located within the ACA and between 2 no. protected structures. However, the proposed development would have no physical impact on the built fabric of St. Peter and Paul Church or Dunboyne Parochial House. Any potential effects are limited to visual impacts. In this regard the proposed café use would be highly visible from Main Street and the Supermarket building would also be partially visible from Main Street and the protected structures, in particular from the church grounds. Due to the existing use of the southern portion of the site as a surface car park and the underutilised nature of the back lands / greenfield site, the limited scale of the café building, the scale and massing of the supermarket and to the high quality contemporary design of the proposed scheme, which in my opinion provides an appropriate contrast to the existing historic buildings, the proposed development it would not detract from the setting or character of any of protected structures. I am also satisfied that the scheme would be in accordance with the provisions of the ACA, which does not preclude development on the subject site. It is also my opinion that the removal of on-street car parking and the surface car park would enhance the setting and character of The Green.

- 7.5.7. The proposed development includes the demolition of the existing northern boundary wall, between St. Peter and Pauls or Church and the subject site. The removal of the wall is to facilitate a new church car park. A new similar boundary wall would be provided with associated access arrangements to the church grounds. Concerns are raised in the appeals that the impact of the loss of the boundary wall of the protected structure has not been adequately assessed. Concerns area also raised that the loss of the wall would alter and extend the curtilage of the protected structure, which is contrary to policies of the development plan.
- 7.5.8. The boundary wall to be demolished comprises a plain capped rendered wall with capped piers and steps to address the changes in topography. The applicants Heritage and Conservation Report addresses the removal of the boundary wall in Section 5 and notes that the man aim of the boundary walls was to enclose the church from the adjacent agricultural land. The report also notes that there are no central windows or views from the church towards the northern boundary wall. In response to the appeals the applicant submitted a technical note on the Architectural Heritage Impact of the proposed development. This note included a photographic survey of the wall and states that the proposed boundary wall would provide similar enclosure for the church grounds.
- 7.5.9. The wall is not listed on the record of protected structures. However, Part I of the Planning and Develpoment Act states that a protected structure includes the land lying within the curtilage of the structure, any other structures lying within that curtilage and all fixtures and features which form part of the interior or exterior of any structure. Given the walls location within the church site and its proximity to the protected structure, it is my view that it does fall within the curtilage of the protected structure and in accordance with the provisions of the Act is, therefore, considered to be protected. In this regard it is noted that Section 57(10) of the Act states that permission shall not be granted for the demolition of a protected structure, save in exceptional circumstances.
- 7.5.10. While the applicant has not provided details of any exceptional circumstances, it is noted that the wall to be demolished does not contain any features of architectural merit and have no cultural or heritage significance. I am satisfied that its removal would have no impact on the setting of the church (protected structure) and, therefore, I have



no objection to its demolition. With regard to the concerns raised that the proposed demolition is not in accordance with development plan policy I am satisfied that the proposed works do not contravene Policies HER POL 14, HER POL 19 or HER POL 20.

7.5.11. It is also my view that the demolition of the wall would not adversely impact on the character and special interest of the structure, and it is noted that other sections along the eastern boundary of the wall have been previously removed to provide access to the school grounds. In addition, the report of the planning authority's Conservation Officer raised no objection to the demolition of the wall.

7.5.12. Specific concerns were raised in the appeals regarding the loss of historic limestone kerbing outside the site boundary. The ACA notes that limestone kerbing survives in front of the former national school and the Parochial House, both protected structures. However, the ACA also notes that The Green is a confusing collection of different paving types (tarmac, concrete slabs and pavers, stone etc). Objective 3 of the ACA requires the preservation and re-instatement of traditional details and materials where improvements or maintenance works are being carried out. The information submitted with the application states that the new paving finish along Main Street would to be the Local Authority's requirements. In response to the appeal the applicant has stated that they are happy to reuse the limestone kerbing in The Green. Having regard to the provisions of Objective 3 of the ACA, it is my opinion that the preservation of the limestone paving would be appropriate, however, having regard to the mix of materials current provided within The Green it is my recommendation that a condition be attached to any grant of permission that the final details of the new paving finish be agreed with the planning authority.

## **7.6. *Car Parking***

7.6.1. The proposed development includes works to the public realm to facilitate access to the site, the provision of a new signalised junction on Main Street and general upgrade works. It is noted that these works would result in the loss of a number of on-street car parking spaces. The proposed development would also result in the loss of the existing surface car park on the southern portion of the appeal site. The third-party appellants and the observer all raised serious concerns regarding the negative impact that the

proposed development would have on existing retail and commercial businesses within Dunboyne due to loss of custom and loss of significant numbers of existing car parking spaces and a loading bay.

- 7.6.2. Main Street is a 2-way street that runs in an east west direction through the town centre. At the western end the road splits into two separate roads, in this regard a 2-way street towards the signalised junction with Navan Road and a one-way secondary slip road for vehicles going towards Maynooth Road. Main Street also runs in a one way, clockwise, direction around The Green. From the information submitted and having carried out a site visit on the 9<sup>th</sup> October 2023 it is noted that there is unrestricted car parking along the vast majority of Main Street and around The Green, some of these car parking spaces are not designated spaces, particularly those located at the entrance to the church grounds.
- 7.6.3. From the drawings submitted it would appear that there are currently 8 no. car parking spaces on the southern side of The Green. The proposed works would reduce the number of spaces to 7. There are currently 6 no. spaces and a set down area located on the northern side of The Green. The proposed works would reduce the number of car parking spaces to 3. The proposed works would therefore result in the loss of 4 no. car parking spaces and a set down area around The Green. It is noted that 10 no. spaces would be retained.
- 7.6.4. There are also c. 8 no. spaces on the southern side of Main Street opposite The Green. To facilitate the provision of traffic lights it is proposed to remove 2 no. spaces on Main Street. It is noted that 6 no. spaces would remain.
- 7.6.5. The works to the public realm also include replacing an area of hardstanding outside the entrance to the church with soft landscaping and a delineated footpath. This area of hardstanding outside the church has the potential to provide haphazard parking for c. 4 no. vehicles. These unrestricted spaces would also be removed as part of the development.
- 7.6.6. As noted above the western end of Main Street is divided into 2 no. sections. The southern portion of the road currently has unrestricted car parking along both sides for c. 20 no. cars. It is proposed to provide a build out to the existing hard landscaped

area that divides the road. This would result in the loss of 1 no. disabled car parking space.

7.6.7. It is also proposed to increase the width of the footpath along the eastern side of Main Street, opposite The Green and outside a number of commercial units. There is an existing pull in bay with the potential for 2 no. car parking spaces. These spaces are currently unrestricted. The appeal by Concetta Macari states that these car parking spaces are privately owned, as the appellants building was set back to allow the provision of car parking and a loading bay. The appeal includes a copy of a planning permission (Reg. Ref. 86/000943). It is noted that this planning permission required the set back of the building to accommodate on-street car parking. In particular condition 6 of this permission relates to the dimensions of car parking spaces to be provided. While it is acknowledged that the building line on the eastern side of Main Street was set back to accommodate the appellants development, it would appear that the resulting space was taken in charge by Meath County Council and forms part of the public road with associated kerbs and drainage. No legal document has been submitted regarding ownership of this area as a private landing and as such I am satisfied that the letter of consent from Meath County Council to include the area within the applicants red line boundary is sufficient. Notwithstanding this, in response to the appeal the Traffic Technical Note indicates that these 2 no. car parking spaces could be retained without impacting on the proposed junction layout. Having regard to the information submitted I am satisfied that these 2 no. spaces could be retained. However, it is my recommendation that a condition be attached to any grant of permission that the final details of the road layout be agreed with the planning authority.

7.6.8. Overall, the proposed works to the public realm would result in the loss of 11 no. car parking spaces, c. 7 no. delineated car parking spaces, 4 no. haphazard car parking spaces, and a set down area within the town centre. The southern portion of the appeal site is currently in use as a surface car park, with 62 no. spaces. These spaces would also be removed as part of the development. Therefore, a total of 73 no car parking spaces and a loading bay would be removed. It is noted that c. 41 no. spaces would be retained along Main Street and that there is additional unrestricted car parking available within the church grounds.

- 7.6.9. This proposed development includes 172 no. car parking spaces. These are divided into 111 no. supermarket spaces, 8 no. café spaces and 53 no. church spaces. Table 11.2 of the development plan sets out car parking standards for a variety of uses. It is noted that the non-residential standards are considered to be maximum standards. For food retail there is a maximum standard of 1 no. car parking space per 20sqm (GFA). Where the floor area exceeds 1,000sqm the standard is 14sqm. The applicants TTA notes the standard of 14sqm for the entire foodstore (2,200sqm) which results in a maximum provision of 157 no. car parking spaces. In my opinion the standard of 1 space per 14sqm only applies to the floor area which exceeds 1,000. The foodstore has a gross floor area of 2,200sqm. Therefore, the standard of 1 space per 20sqm is applied to the first 1,000sqm and the standard of 1 space per 14sqm is applied to the remaining floor area (1,200sqm). This results in a requirement 135 no. car parking spaces. It is proposed to provide 111 no. dedicated spaces for the food store. This equates to c. 1 space per 20sqm.
- 7.6.10. Table 11.2 also sets out a maximum car parking standard of 1 no. space per 5sqm (dining area) for a restaurant. There is no standard for a café. The proposed café has a gross floor area of 165sqm, with a dining area of c. 100sqm. Therefore, there a maximum of 20 no. spaces are permissible. It is proposed to provide 8 no. dedicated café parking spaces.
- 7.6.11. Third parties raised concerns that the level of car parking proposed is below development plan standards. As noted above the non-residential standards set out in the development plan are maximum standards. Section 11.9.1 of the development plan states the overall aim of the car parking standards is to ensure sufficient car parking is provided while being mindful of the need to promote a shift towards more sustainable forms of transport. Having regard to the nature and scale of the supermarket, the provided number of car parking spaces (111 no.) and the sites central location I am satisfied that sufficient car parking has been provided. I also agree with the applicants TTA that trips to the café are likely to be secondary trips to the town centre. Having regard to the nature, scale, and central location of the café unit I am also satisfied that sufficient car parking provision has been provided. Overall, I am satisfied that the proposed development would not result in overspill onto the surrounding road network.

7.6.12. The proposed development includes a new dedicated church car park to the north-east (rear) of the church. This car park would be barrier controlled and would be accessed from the proposed internal access road and from within the church grounds. It is envisioned that these 53 no. car parking spaces would compensate for the loss of the existing surface car park (62 no. spaces) on the southern portion of the appeal site. Although the existing surface car park is currently available to the general public it is noted that these spaces are located on private property with a gated entrance. I am satisfied that the proposed church car park is adequate to cater for the needs of the church during busy periods / occasions associated with the church use. It is also considered that this car park would operate in a similar manner to the existing surface car park on the southern portion of the appeal site.

7.6.13. Specific concerns were also raised by the third parties regarding the loss of an accessible space within the town centre. There is an existing accessible car parking space located at the western end of Main Street. This space would be removed as part of the realignment of the kerb to facilitate the right turn lane on Main Street, around The Green and towards the appeal site. However, in the response to the appeal the applicant notes that this space would be replaced on Main Street. An additional existing accessible space opposite the Church entrance would be removed to facilitate the proposed works. In the response to the appeal the applicant notes that this space would be replaced by an accessible space within the subject site, adjacent to the café unit. It is noted that the proposed scheme includes 12 no. accessible car parking spaces, 5 no. are located immediately adjacent to the entrance to the supermarket, 1 no. within the café car park and 6 no. within the church car park. While the loss of the on-street accessible space is noted I am satisfied that adequate provision has been made within the appeal site to compensate for its loss.

7.6.14. Overall, the proposed scheme would result in the loss of 75 no. existing car parking spaces and a loading bay within the town. The proposed development includes 172 no. car parking spaces, which is a net gain of 97 no. spaces. The third parties raised concerns that these would be private spaces that would be restricted to a limited stay. As noted above the existing 62 no. spaces on the southern portion of the appeal site are located on private property with a gated entrance and are, therefore, private spaces. It is envisioned that church car park would operate in a similar manner to the

existing surface car park. It is also the intention of the applicant that the proposed foodstore and café spaces would remain available to the town centre for a short term stay. It is unclear how the spaces would be managed. However, the appellants make reference to other Lidl stores which limit car parking to a 2-hour stay through restrictive measures i.e. clamping.

7.6.15. Section 5.5.1 of the development plan notes that the council supports the NTA's Transport Strategy, which includes the introduction or expansion of on-street car parking controls and charging structures to seek to reduce commuter parking and contribute to greater turn over for non-commuting purposes. It is noted that there are currently no restrictions on parking within the town centre, which could result in long term commuter parking. The appellants and observers all note that the town centre is not used for commuter parking due to the distance to the train stations and the availability of car parking in close proximity to the train stations. I am satisfied that the provision of 2 hours (or similar) of free / unrestricted parking within the appeal site would be sufficient for customers of and visitors to the town centre. The availability of short-term car parking would also ensure that car parking spaces are available for all users throughout the day. It is also noted that c. 41 no. unrestricted car parking spaces would be retained along Main Street and that there is additional unrestricted car parking available within the church grounds.

7.6.16. While the loss of car parking along Main Street is acknowledged I am satisfied that the loss of 7 no. dedicated car parking spaces would not have a material impact on the vitality and viability of the town centre and that there are sufficient car parking spaces on Main Street and within the proposed development and the church grounds to cater for the needs of the proposed development and the continued operation of Dunboyne town centre. It is also my opinion that the removal of the car parking to facilitate the singalised junction / pedestrian crossings would have a positive benefit for the community by improving safety and also improving the visual amenity of the town centre.

*Condition 2(h)*

7.6.17. Condition 2(h) requires that the car parking spaces to the side of the café at the south elevation of the Lidl unit, containing 8 no. spaces and 12 no. spaces respectively, be

dedicated replacement car parking spaces for those lost in the main town centre area and should not be subject to time limited restrictions. The first party appeal considers that this condition should be omitted as it is unreasonable and restrictive. While third parties consider that Condition no. 2(h) is insufficient to ensure adequate public car parking spaces are available for the town centre. As outlined above, I am satisfied that there is sufficient car parking provided within the appeal site and the town centre and that any additional unrestricted car parking would not be in accordance with Section 5.5.1 of the development plan to supports the NTA's Transport Strategy, including the introduction or expansion of on-street car parking controls and charging structures to seek to reduce commuter parking and contribute to greater turn over for non-commuting purposes. If permission is being contemplated it is my recommendation that condition 2(h) be omitted.

## **7.7. *Transportation***

### *Capacity*

- 7.7.1. The appeal site is located within the existing urban area. Vehicular access to the site is proposed from Main Street, via the location of the existing access to the surface car park. This section of Main Street is a one-way loop around The Green. To facilitate the proposed access arrangements and to improve traffic flows in the town centre it is proposed to provide a new 4-arm signalised staggered junction at The Green / Main Street (east bound) / Main Street (west bound) / Eurospar car park. This new junction includes pedestrian crossing facilities. It is also provided to provide a right turning lane on Main Street to facilitate right turn movements to the site via the northern side of The Green. The proposed works also include increasing the width of footpaths on the northern and eastern side of The Green.
- 7.7.2. Concerns are raised by third parties regarding the negative impact of additional vehicular traffic in the town centre generated by the proposed use.
- 7.7.3. The applicants Traffic Impact Assessment (TTA) indicates that traffic counts were carried out at 7 no. junctions in the town on Thursday 11<sup>th</sup> November 2021 from 07.00 -19.00. Full details of the traffic counts are provided as an Appendix to the TTA including the location of the counts, which were all located along Main Street. Concerns are raised by the third parties and the Transportation Section of Meath

County Council that the traffic counts were carried out during covid restrictions which is not a true representation of traffic in the village. In response to the appeal the applicant notes the concerns raised by third parties and the Transportation Section of Meath County Council and states that additional traffic counts were undertaken in March 2023 and the peak periods were found to be similar. While it is noted that the traffic counts were undertaken during the covid pandemic they were also undertaken during school term time (November) and I am satisfied that the traffic counts provided in the original assessment are a realistic reflection of traffic on the local road network. This is confirmed by additional traffic count data (March 2023) submitted in the Technical Note attached to the applicant's response to the appeal.

- 7.7.4. The TRICS database was used to estimate the number of trips potentially generated by the proposed development. Table 4.2 of the applicants TTA provides a breakdown of estimated trips for each use within the development. TRICS estimated that the supermarket would generate 98 no. trips (57 no. arriving and 41 no. departing) in the weekday AM peak and 192 no. trips (93 no. arriving and 99 no. departing) in the weekday PM peak. The proposed uses are likely to include some secondary / diverted trips, however, to allow for the worst-case scenario the TTA assumes that all trips to the proposed development are new trips.
- 7.7.5. The trips generated by the proposed development were then distributed on the surrounding road network based on existing flows on Main Street during the peak hours. In accordance with TII Guidelines, to calculate future year traffic, a growth rate has been added to the traffic counts. The applicant undertook a detailed assessment of 3 no. junctions, Junction 1: Main Street / Maynooth Road / Old Navan Road / Summerhill Road, Junction 2: Main Street / The Green (one way in) / Main Street and Junction 3: Main Street / The Green (one way out) / Main Street for the years 2021, 2024, 2029 and 2039. Table 5.3 of the assessment indicates that the traffic generated by the development would exceed 10% of the existing traffic at these 3 no. junctions by 2039. Although not stated it is assumed that the impact at the remaining 4 no. junction, that were also subject to traffic counts, were found to be below the applicable 10% and that is why those junctions were excluded from further assessment, which is in accordance with TII guidelines.



- 7.7.6. The output for the 3 no. junctions is shown in pcu (passenger car units), which indicates the number of standard cars on the road. The TTA states that an urban road with a speed limit of 50kmph can generally accommodate 1,800 pcu's per hour. While this information is acceptable, it is my opinion a RFC (ratio to flow to capacity) would be more appropriate method to estimate if and when a junction would reach capacity.
- 7.7.7. Notwithstanding this, the information submitted indicates that all junctions within the town centre would operate within capacity for all design years assessed (2024, 2029 and 2039). As outlined in Table 5.4 of the TTA, the most significant impact on the road network would be experienced the northern side of The Green (+31.9% in the AM and +136% in the PM). This is expected as all traffic accessing / egressing the development would enter from this route. Appendix 5 of the TTA also includes an assessment of the proposed signalised junction, which indicates that this junction would operate within capacity for the design year 2039.
- 7.7.8. Concerns were raised by the third parties that the TTA does not include any analysis of the new Church car park or the relationship between the retail and café developments and the church traffic. It is noted that Tables 4.1 and 4.2 (trip generation) do not include the number of potential trips generated by the proposed church car park. However, having regard to the existing surface church car park (62 no. spaces) within the site I am satisfied that the trips generated by the proposed car park (53 no. spaces) would be similar to those currently generated on the site. Therefore, the trips generated by the new church car park are likely to be built into the baseline data. I am also satisfied that the peak periods for the supermarket and café use are likely to be different to the peak periods for the church car park / occasions within the church.
- 7.7.9. Overall, I have some concerns regarding how the information was presented in the TTA, and I agree with the third parties that due to the nature of this development an analysis of the impact of the development outside of the weekday AM and PM peaks would be beneficial, however, I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network, which in my opinion is within the norm of a busy urban environment.

### *Condition 2 D*

- 7.7.10. Condition 2(d) requires that the proposed new signalised junction be linked to the existing junctions at Navan Road and Rooske Road. The first party appeal considers that this condition should be omitted as it is unreasonable and unnecessary. Third parties raised concerns that if the junctions are not linked the proposed development would result in a traffic hazard and congestion.
- 7.7.11. The Navan Road junction is located c. 160m west of the proposed signalised junction and the Rooske Road junction is located c. 240m east of the proposed signalised junction. From the information submitted and the distances between the existing junctions (Navan Road and Rooske Road) it is assumed that these are not already linked. Therefore, linking the existing junctions to each other and to the proposed junction would require underground ducting and a connection to SCATS. SCATS is an intelligent traffic management tool that remotely monitors, controls and optimise the movement of vehicles. The first party appeal notes that it is also unclear if the existing junctions are connected to or compatible with SCATS.
- 7.7.12. As noted above, I am satisfied that during the operational phase of the proposed development the road network within Dunboyne town centre would operate within the norms of a busy urban environment. Given the separation distances between the proposed junction and the existing junctions, the availability of on-street car parking and access roads, it is my opinion that there would be no real benefit to linking the junctions and that the proposed development is not reliant on the linking or the potential upgrading of the existing junctions to SCATS. Therefore, if permission is being contemplated it is my recommendation that Condition 2(d) be omitted.

### *Public Realm Works*

- 7.7.13. As noted above to facilitate the proposed access arrangements and improve to improve traffic flows in the town centre it is proposed to provide a new 4-arm signalised, a right turning lane on Main Street and increasing the width of footpaths on the northern and eastern side of The Green. Concerns are raised by third parties regarding the lack of clarity regarding the junction design around The Green. I am satisfied that sufficient information has been submitted within the documentation and drawings submitted to allow for a full assessment of the impact of the proposed new

junctions. The impact on existing on street car parking to facilitate these works is addressed in Car Parking section below.

- 7.7.14. Concerns are raised by the third parties that as the proposed development would generate additional vehicular trips which would discourage pedestrian movements in the town centre. As noted above, the trips generated by the proposed development are within the design capacity of the junctions within the town centre and I am satisfied that the proposed development would not result in traffic congestion or haphazard parking within the town centre. It is my opinion that the proposed pedestrian crossing, the increased footpath width and the proposed public plaza within the site would all improve pedestrian safety.
- 7.7.15. Specific concerns are raised in the appeals that the proposed right turn lane on Main Street is not sufficient and would result in a traffic hazard. The proposed layout is indicated on drawing no. SRC-312-100 – Traffic Management. The drawing indicates that the right turn lane is c. 2.7m in width by c. 20m in length. The west bound carriageway of Main Street would be c. 3m in width. I have no objection to the proposed layout. However, if permission is being contemplated it is recommended that a condition be attached that all works to the public road be agreed with the planning authority.
- 7.7.16. From the information submitted I am satisfied that the proposed works within the public realm would have no impact on the existing 1916 Garden of Remembrance located at the western portion of The Green.

#### *Deliveries / Servicing*

- 7.7.17. In response to the appeals the applicant notes that Lidl operates a Regional Distribution Centre. It is standard that each store receives 1 no. truck delivery per day. A dedicated loading bay is provided at the northern boundary of the supermarket building. I have no objection to the proposed delivery / servicing arrangement.
- 7.7.18. Third parties raise concerns that the proposed development would bring HGV movements through the village which is a contravention the development plan. Objective MOV OBJ 66 aims to assess the potential for, and, if appropriate, introduce, HGV management measures in town centres. A reduction in HGV through traffic in

any town or village centre is welcomed. However, all management measures would all for servicing and deliveries with the town centre. Therefore, I am satisfied that the proposed servicing arrangements are in accordance with the provisions of the development plan.

- 7.7.19. Concerns are also raised by third parties that HGV's cannot access the site without blocking traffic. Swept path drawings have been submitted. From the information submitted I am satisfied that articulated delivery trucks can safely and efficiently access and egress the site, including when a bus is parked at the bus terminus on Main Street. It is also noted that buses currently make this right turn movement from Main Street to the northern side of The Green. The swept path of an existing Dublin bus is also shown on the drawing submitted.

## **7.8. Connectivity**

- 7.8.1. The proposed layout includes a future potential pedestrian link to the Supervalu site. Concerns are raised by third parties regarding the poor-quality link between the subject site and the Supervalu site. It is noted that due to the c. 2m level difference between the 2 no. sites it is proposed to provide stepped and a ramped link. I have no objection to the proposal and consider it appropriate given the topography of the site. It is acknowledged that the link is between 2 no. surface car parks, however, the link is provided in close proximity to the entrance to both supermarkets. I am satisfied that the route would be well lit and would not endanger public safety. It is noted that the connection would require the agreement of a third party, however, I am satisfied that the applicant has made significant attempts to improve connectivity between the sites, which would open up this large urban site and provide a planning gain for the wider area.
- 7.8.2. The appeal site is bound to the north-east by zoned lands within the ownership of the applicant. The documentation submitted indicates that these lands would be subject to a future planning application for residential uses. However, the proposed site layout and landscaping plans do not include any connectivity to these lands. The provision of additional connectivity has wider benefits including decreased travel times to services, amenities and public transport and would support pedestrian movements over vehicular trips, which is welcomed. Therefore, if permission is being contemplated

it is recommended that a condition be attached that a pedestrian / cycle route be constructed up to the sites bound with lands (within the ownership of the applicant) to the north-east.

#### **7.9. *Water Services and Flood Risk***

7.9.1. Third parties raised concerns that the application may be premature pending upgrades to the water and drainage networks and that this issue has not been fully addressed by the applicant.

7.9.2. A Service Design Report was submitted with the application. It noted that the site is within the urban area and would connect to existing water main and foul water networks. It is noted that a submission was not received from Uisce Eireann regarding the proposed development.

7.9.3. With regard to surface water drainage the applicant divides the site into 3 separate catchment areas. Area A is the existing surface car park that would accommodate the café use, Area B is an open field that would accommodate the foodstore and Area C is an open field that would accommodate the church car park. Each area would be served with separate surface water drainage networks. However, they would generally drain by gravity to the existing public stormwater sewer at the south-east corner of the site. As the delivery bay to the north of the foodstore is located at a lower level than the surrounding road levels it is proposed to pump surface water from this area back up to the gravity system, prior to attenuation. An attenuation tank is proposed under the car park of the food store (Area B).

7.9.4. The planning authority raised no objection in principle to the proposed development, however, to prevent flooding and in the interest of sustainable drainage Condition no. 3 required some alterations to the surface water drainage system. The first party appeal raised some concerns regarding the requirements of Condition no. 3. In the interest of clarity, the 5 no. requirements of condition 3 are addressed below.

7.9.5. Condition 3(a) required that the proposed hydrobrake be relocated to downstream of MH S14 to cater for all 3 catchment areas. The applicant has stated that due to the variance in topography from the retail store car park to the site entrance, the location of the hydrobrake at the entrance is not viable. Having regard to the information

submitted I agree with the applicant that due to the topography of the site it is not visible to locate the hydrobrake at the site entrance. It is my opinion that the final location of the hydrobrake could be agreed with the planning authority prior to commencement of development. Condition 3(a) also required that a penstock valve (or similar approved) be installed within the flow control chamber, on the upstream end of the manhole to allow for maintenance of the flow control device. In response the applicant notes that a penstock valve will be installed. The first party appeal also notes that any discharge from the infiltration tanks to the surface water outlet is intended as emergency overflow only, in events exceeding the 1 in 100-year climate change event.

- 7.9.6. Condition 3(b) states that where infiltration systems are to be used, they shall be a minimum depth of 1 meter above the winter water table level. The condition also requires that the applicant excavate a trial hole to confirm the level of the onsite water table. In the first party appeal the applicant notes that geotechnical testing and BRE 365 percolation testing was carried out and detailed in the geotechnical report for both areas of the proposed infiltration systems. It is noted that the attenuation system is not less than 1m above the water table and the infiltration system has been demonstrated as viable in both locations. Having regard to the information submitted I am satisfied that Condition 3(b) is unnecessary and should be omitted from any grant of permission.
- 7.9.7. Condition 3(c) states that the proposed attenuation system is not considered acceptable to MCC Water Services, therefore, the applicant should submit a revised surface water attenuation system design acceptable to MCC Water Services. Acceptable systems include oversized pipes, concrete tanks or poly tunnel attenuation systems with an isolator row. Impermeable liners are not acceptable. In the first party appeal the applicant states that it is proposed to construct the tank in oversized pipes or Stormtech S740 poly tunnel system providing the equivalent volume of the previously proposed crate system. I have no objection to the proposed attenuation system, however, if permission is being contemplated it is recommended that final details be agreed with the planning authority.
- 7.9.8. Condition 3(d) required that the applicant shall demonstrate that the finished floor levels are at least 500mm above the maximum adjacent river level and top water level in the onsite drainage system. The first party appeal notes that a Flood Risk

Assessment was submitted with the application. The FRA indicates that the maximum river level is 67.01mOD for AEP 0.1%. The lowest finished floor level on site is the café unit at 68.5mOD, this exceeds the 500mm freeboard by 990mm. Having regard to the information submitted I am satisfied that Condition 3(d) should be omitted from any grant of permission.

- 7.9.9. Condition 3(e) notes that the proposed scheme would connect to the existing surface water drain and requires that the applicant shall undertake any remedial works to the existing surface water drainage network which the Municipal District Engineer considers necessary to facilitate the discharge from the proposed development. In the first party appeal the applicant notes that they are not aware of any functional or capacity issues with the surface water drain and are happy to engage with the Municipal District Engineer. Having regard to the information submitted I have no objection to the proposed connection to the public network, however, if permission is being contemplated it is recommended that final details be agreed with the planning authority.
- 7.9.10. Condition 3(f) requires that the development not commence without prior written agreement of the Planning Authority. This condition is also noted in the first party appeal and the applicant is happy to comply.
- 7.9.11. The concerns of the third parties are noted, however, having regard to the information submitted in the applicants Design Services Report, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts.

#### *Flood Risk*

- 7.9.12. Concerns were also raised in the third party appeals that the location of the development would increase the risk of future flooding.
- 7.9.13. At the time of writing this report the OPW maps for Dunboyne are under review and, therefore, unavailable ([www.floddinfo.ie](http://www.floddinfo.ie)). A Site-Specific Flood Risk Assessment (FRA) was submitted with the application which notes that The River Tolka has flooded on several occasions, most recently in 2002, with extensive flooding to lands and roads south of Dunboyne Main Street. It would appear from the information submitted that this flooding extended to the south of The Green at the location of the proposed

new signalised junction, which is within the red line boundary. The Tolka Flood Alleviation Scheme was initiated in 2002. The scheme included flood defence walls and embankments around Dunboyne and Clonee at the Tolka River and a diversion of the Clonee Stream under the M3 motorway. Further embankments were placed along Castle Stream and channel deepening / widening works were also carried out. The area on Main Street, within the red line boundary, has benefited from these works.

- 7.9.14. The applicants FRA notes that following the flood relief works, Meath County Council and the OPW undertook floor mapping and the results have been incorporated into the development plan. Volume 4 of the development plan includes the Strategic Flood Risk Assessment for the county. The associated mapping indicates that the appeal site is located within Flood Zone C. Flood Risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation of flood risk zones. Having regard to the information submitted with the appeal and the site's inland location I am satisfied that the appeal site is not at risk from fluvial or coastal flooding.
- 7.9.15. In addition, there is no record of pluvial flooding on site. The majority of the site is currently a greenfield, with a hardstanding area at the southern portion accommodating a surface car park. The proposed storm water network would collect run off and discharge it at a controlled rate to either ground or existing public network under Main Street. The scheme incorporates SUDS measures. The FRA notes that the attenuation tank and infiltration systems are sized to cater for the maximum runoff volume generated during a 100-year event plus 20% for climate change.
- 7.9.16. The site is not considered to be at risk from groundwater flooding and no basement levels are proposed as part of the development.
- 7.9.17. The FRA also notes that mitigation measures are incorporated into the design of the scheme, these include ensuring that the finished floor level of the café and foodstore are above the surface car parks and the footpaths are graded to ensure flows are directed away from the proposed buildings.
- 7.9.18. Having regard to the information submitted I am satisfied that the proposed arrangements would not result in a potential flood risk within the site or to any adjoining



sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. If permission is being contemplated it is recommended that a condition be attached that all recommendations of the FRA be carried out.

7.10. ***Ecology***

7.11. Concerns are raised by the third parties that the proposed development would negatively impact on the ecology of the site.

7.12. *Habitats:* A habitats survey was carried out on the 8th October 2021. The applicants An Ecological Impact Assessment (EcIA) notes that the appeal site is located on built land, neutral grassland, and scrub with hedgerow. The Tree Survey Plan (075221–TS-01) indicates that there is a hedgerow at the sites northern and western boundaries. The built land, neutral grassland and scrub habitats are classified as lower value (local importance) with the hedgerow categorised as higher value (local importance). Invasive species listed on the Third Schedule were not identified within the site. The proposed development would result in the loss of habitats, including the removal of the hedgerow along the sites eastern and western boundary. The Tree and Vegetation Survey notes that the hedgerow to be removed is in poor condition. To compensate for the loss of the hedgerow it is proposed to plant mixed native hedgerows, native shrub mx and trees. The hedgerow in the north-eastern boundary would be retained. I am satisfied that the proposed planting would adequately compensate for the loss of the hedgerow. Having regard to the low ecological value of the remaining habitats within the site I have no objection to their removal.

7.12.1. Specific concerns are also raised by third parties regarding the loss of trees within the public realm. It is proposed to remove 1 no. existing category C tree on the hardstanding area at the western end of Main Street. The removal of this tree is required to facilitate alterations to the kerb line to allow for the additional right turn lane on Main Street. The Tree and Vegetation Survey states that this tree would be lifted and replanted further west within the same group of trees. I have no objection to the removal of this tree to facilitate the proposed development.

7.13. *Birds:* The EcIA notes the presence of Merlin (Amber Listed species) within the vicinity of the site, however, no birds were recorded on the site during the site survey. All birds

and their nests are protected under the Wildlife Act, 1976 and it is noted that the hedgerow and scrub have the potential to be utilised by birds. Therefore, the loss of habitat has the potential to impact on avian species. Section 6.1.5 of the EclA sets out mitigation measures to ensure the protection of bird species during the construction phase, including works proceeding outside of the breeding season and a pre-construction bird and nesting survey carried out by a suitably qualified ecologist. If permission is being granted it is recommended that a condition be attached that all mitigation measures outlined in the EclA be complied with.

- 7.14. *Mammals*: The EclA does not state if any mammals were observed during the site survey. The report does note that due to the removal of habitat there is the potential to impact on mammal species. However, no mitigation measures have been provided in this regard. Having regard to the size of the site and the potential for mammal species it is recommended that a condition be attached to any a pre-construction ecological survey be carried out by a suitably qualified ecologist. If any protected mammal species are noted suitable mitigation measure should be put in place and agreed with the planning authority.
- 7.15. *Bats*: Concerns are raised by third parties that a bat survey was not carried out. The applicants Tree and Vegetation Survey notes that there are no trees within the site. Having regard to the site's urban location and the lack of available roosting sites and foraging within the site, I am satisfied that the impact of the proposed development on bat species would be negligible and there is no requirement for a bat survey.
- 7.16. *Amphibians*: I am satisfied that there are no suitable habitats for amphibians within the site.
- 7.16.1. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site, subject to the conditions recommended above, and the proposed landscaping and planting would not negatively impact on biodiversity within the site. I draw the Boards attention to the AA section of my report (Section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

## 8.0 Appropriate Assessment

- 8.1. A Screening for Appropriate Assessment Report prepared by Inis Environmental Consultants was submitted with the application. The Report provides a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes the proposed development either individually or in combination with other projects and plans, is not likely to have a significant effect on any European site.
- 8.2. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

### *Stage 1 AA Screening*

- 8.2.1. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

### *Brief Description of the Proposed Development*

- 8.2.2. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of a foodstore, café and car park. The surrounding area is urban in nature with a variety of uses, including residential estates, retail, commercial units, educational and community uses. The site is serviced by public water supply and foul drainage networks. The development site is located in a heavily urbanised environment close to noise and artificial lighting. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. There are no watercourses within the site or immediately adjacent to

it. The Castle Stream is located c. 200m south of the appeal site, which discharges to the Tolka River to the south-east of the town.

### *Zone of Influence*

8.2.3. The proposed development is not located within or immediately adjacent to any European Site. Concerns are raised by a third party that the Zone of Influence has not been reasoned or explained. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features

8.2.4. As outlined in Section 5.5 above, the Rye Water Valley / Carton SAC (001398) is located c. 5.5km south of the appeal site. There are no other designated sites within 15km of the appeal site. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA could reasonably be considered to be within the downstream receiving environment of the proposed development.

<b>Rye Water Valley / Carton SAC (001398) c. 5.5km from the appeal site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

<i>Qualifying Interests/Species of Conservation Interest</i>	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
<b>South Dublin Bay (000210) c. 20km from the appeal site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
<b>North Dublin Bay (000206) c. 20km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimi) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395].
<b>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024): c.18km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
<i>Qualifying Interests/Species of Conservation Interest:</i>	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141]

	Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] / Dunlin ( <i>Calidris alpina</i> ) [A149] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194] Wetland and Waterbirds [A999]
<b><i>North Bull Island SPA (004006) 20 km from the subject site</i></b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Shoveler ( <i>Anas clypeata</i> ) [A056] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]

8.2.5. The proposed development has no potential source pathway receptor connections to any other European Sites.

8.2.6. I am satisfied that the potential for impacts on the Rye Water Valley / Carton SAC (001398) site can be excluded at the preliminary stage due to the separation distance

between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

- 8.2.7. Therefore, I consider that only the designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

#### *Consideration of the Impacts*

- 8.2.8. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 8.2.9. There are no watercourses within the site. The Dunboyne Stream is located c. 350m south of the appeal site. It is intended that surface water would flow by gravity to the public network at the south-eastern corner of the site. The habitats and species of Natura 2000 sites in Dublin Bay are between 18km and 20km downstream of the site and water quality is not a target for the maintenance of any of the QI's within Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard pollution control measures would be put in place. These measures 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 am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off 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 Dublin Bay (dilution factor).

- 8.2.10. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note that the proposal would not generate significant demands on the existing municipal sewers for surface water.
- 8.2.11. The foul discharge from the proposed café and staff facilities within the retail unit would drain via the public sewer to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. The subject site is identified for development through the land use policies of the Meath County Development Plan 2021-2027. This statutory plan was adopted in 2021 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP 301798-18 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Uisce Eireann raised no concerns in relation to the proposed development.
- 8.2.12. The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.



### 8.1. ***Cumulative In-Combination Effects***

- 8.1.1. I am satisfied that there would be no potential cumulative effects given the nature and scale of the proposed development and the distance to any European sites.

### 8.2. ***AA Screening Conclusion***

- 8.2.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted by the applicant, that the proposed development by itself or in combination with other development, plans and projects in the vicinity, would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required
- 8.2.2. 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 affect 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.
- 8.2.3. It is noted that the planners report also concluded that the proposed development either individually or in combination with other projects and plans is not likely to have a significant effect on any European Site.

## 9.0 **Recommendation**

- 9.1.1. It is recommended that permission be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the site's zoning objective, its identification in the Meath Retail Strategy 2020-2026 as a Retail Opportunity Site, its location within an existing urban area and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of built heritage and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 18<sup>th</sup> November 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment Report, the Flood Risk Assessment and the Tree and Vegetation Survey Assessment, Management and Protection Measures, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of development a pre-construction Mammal Survey shall be carried out on the site, by a suitably qualified ecologist, and submitted for the

written agreement of the Planning Authority, unless otherwise agreed with the Planning Authority.

**Reason:** In the interest of wildlife protection.

4. A pedestrian / cycle route shall be constructed up to the sites bound with lands to the north-east of the appeal site. A drawing showing this proposed route shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interest of sustainable travel.

5. Prior to commencement of development, the location, design / construction and specification of the signalised junction shall be agreed in writing with the Planning Authority. The facility shall be in place and operational prior to the occupation of the development. All alterations to the public road shall be constructed in accordance with the requirements of the planning authority, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

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

6. Prior to commencement of development the applicant shall agree final details of all materials to be used in the public realm, including the appropriate reuse of historic limestone paving, with the planning authority.

**Reason:** In the interest of visual amenity.

7. Prior to the occupation of the supermarket and café buildings hereby permitted, details of all advertising signage, including the proposed colour and finish and level of illumination (lux) of the signage shall be agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no 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 retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

9. Deliveries to the Supermarket shall be restricted to between 06.00 – 22.00 Monday to Saturday and 07.00 – 20.00 on a Sunday / Bank Holidays.

**Reason:** To protect residential amenity.

10. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

**Reason:** In the interest of place making and visual amenity.

11. The scheme shall be landscaped in accordance with the landscape scheme submitted to the Planning Authority on the 18<sup>th</sup> day of November 2022 unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

12. 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, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall

be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles

13. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

14. 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 agreed in writing with the planning authority.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
- b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
- d) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

17. The developer shall enter into water and waste water connection agreement with Uisce Eireann, prior to commencement of development.

**Reason:** In the interest of public health.

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

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety.

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

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

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.

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Elaine Power

Senior Planning Inspector

20<sup>th</sup> November 2023