



An
Bord
Pleanála

Inspector's Report ABP-315994-23

Development	Construction of single storey supermarket, with all associated site works
Location	New Road & Barrack Street, Townplots, Kinsale, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	225546
Applicant	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	I & G Stores Limited
Observers	(1) Raymond and Christine Alcorn (2) Barry O'Brien and Sandra Barry
Date of Site Inspection	6/3/2024
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 1.076 hectares and is located at New Road & Barrack Street, Townplots, Kinsale Co Cork. It is situated on the north-eastern side of the town of Kinsale. The eastern boundary of the site adjoins New Road. This boundary extends for circa 150m. There is footpath running along the western side of New Road from the pedestrian crossing to the junction between the New Road and Barrack Street.
- 1.2. The northern boundary of the site extends for 38m and adjoins a section of land which is landscaped and which contains some surface water drainage infrastructure. The western boundary of the site extends for circa 224m. There is an escarpment at the western side of the site the dwellings located on Barrack Street are consequently elevated circa 8m above the ground level of the site adjacent to New Road.
- 1.3. These properties along Barrack Street comprise a detached bungalow, a detached two-storey dwelling with a flat roof design, a pair of semi-detached two-storey dwellings. Immediately to the south of these dwellings there is a car parking area serving the neighbouring dwellings. Immediately to the south of this there is a terrace contain 8 no. two-storey dwellings. A pair of semi-detached houses are separated from this terrace by a short section of car parking spaces and a small open space area. To the south of this there is a further two dormer dwellings and a pair of semi-detached houses. To south of these houses is the pedestrian laneway which links Barrack Street and New Road.

2.0 Proposed Development

- 2.1. Permission is sought for construction of a single-storey Aldi discount food store (gross floor area of 1,819sq m; net retail floor area of 1,315sq m) including the sale of alcohol for consumption off the premises; green roof, rooftop solar panels and rooftop plant; loading bay; external plant enclosure; bin store; trolley bay; 102 no. car parking spaces, including EV, disabled, and parent and child spaces, 9 no. motorcycle spaces, and 24 no. covered cycle spaces; a single-storey retail building (gross retail area 226sq m) which will comprise a health food shop and a youth café, with 6 no. car parking spaces, including a disabled space, and 4 no. covered cycle spaces; 1 no ESB substation; 1 no. single storey DRS units; outdoor gym equipment;

signage; retaining walls; removal of 1 no existing access and 2 no. existing culverted sections of the existing stream along the eastern boundary, and provision of 2 no. new accesses over new bridge culverts from New Road, with associated railings, raised tables and pedestrian crossings; modifications to the existing pedestrian access from New Road to Barrack Street; and all associated site development, landscaping, boundary treatment and drainage works, including a foul pumping station and vent stack, on site at New Road and Barrack Street, Townplots, Kinsale, Co. Cork.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission subject to 27 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Further information was requested in relation to the following matters;

1. Confirm sufficient legal control over the site area
2. Clarify the feasibility of providing a green roof to both the additional retail unit and youth café.
3. To preserve and enhance the visual amenity of the adjacent public road and laneway an alternative retaining wall system should be investigated and utilised.
4. Omit illuminated totem pole advertisement located at the entrance as its height and size are excessive.
5. Details of the planned phasing and delivery of the additional retail shop and youth café required.
6. Noise details in respect to reversing HGV vehicles together with a fuller description explaining how/why the levels change and retaining walls would help mitigate operational noise.

7. 3D photomontages of the proposed development taken from a point between Visual V2 and Visual V3 (from New Road, at the junction of the proposed car park entrance) capturing the front limestone clad gable.
8. Description of the extent and quality of aquatic habitats and associated species occurring within this site.
9. Revised proposals with input from Ecologist are required providing for a minimum of 5m setback from the stream with details of proposed strategy for riparian zone.
10. Submit a Tree Survey Report providing details of all mature trees on-site. Provision shall be made for the retention and integration of mature healthy trees with the landscape scheme.
11. The proposal to culvert the stream is of concern to the Ecologist Officer. Investigate plans which address both ecological and engineering considerations.
12. Submit a detailed landscape plan
13. Submit an Invasive Alien Species Management Plan.
14. Integrate more water conservation proposals and over-ground nature led surface water control measures.
15. Provide details and specifications of the paving proposed on the public footpath adjacent to the site along R605.
16. Provide details of tabletop crossing points including provision for signage, lighting and road drainage at both locations.
17. Clarify what the final treatment to the banks of the stream.
18. The adjacent laneway L9700 would become a significant pedestrian access route to the site. Ensure that this laneway is fully reinstated within an asphalt wearing course and public lighting provided along its full extent.
19. Clarify feasibility of providing CCTV onto the laneway as well as seating at the lower section.
20. Clarify the feasibility of utilising a covered area/canopy over the allocated motorcycle and bicycle parking on site.

21. Submit relevant design details of the Precast box culvert crossings as provided from the specialist contractor.
22. Submit details for the design for the 2 no. access bridges to be provided and note that these should both fully span the stream with no requirement for in stream works as per Inland Fisheries Ireland requirements.
23. (Items 23-29) refer to Design for LED lights, public lighting details.
30. Submit a contextual elevation from New Road showing the proposed development and the protected structure (Kinsale Waterworks – RPS ID 2337 NIAH Reg. No. 20851002).

3.2.3. A Clarification of further information was requested in relation to the following matters;

1. The applicant was requested to address the discrepancies between reports in relation to instream works.
2. In relation to the landscape plan the proposals for sowing of 'wildflowers' are not in keeping with good practice and it is considered that there is an over reliance on use of non-native specimen trees, especially within the riparian zone. Submit a revised landscape plan a timeline for completion of all planting proposals for ongoing maintenance.
3. The proposed pre-cast textured rekki wall at the main street entrance on the edge of an Architectural Conservation Area presents a muddled presentation with the main structure and adjust treatment wall system. Submit revised and more sympathetic proposals. In relation to car parking, consider the omission of spaces 59 and 60 to improve vehicle movements. Provide details that layout is in compliance with DMURS. Fencing of the stream shall be omitted.
4. In relation to Invasive Alien Species Management Plan clarify the extent of the contaminated top-soil material required to be removed off-site(m³) and the proposed timelines for the removal of such material relative to the proposed construction phase timeline.
5. Provide detailed drawings of proposed SuDs Tree Pits to be installed in the car park.

- 3.2.4. Planning report from Senior Planner dated 9/2/2023: Following the submission of a response to the clarification of further information the Planning Authority decided to grant permission.
- 3.2.5. Other Technical Reports
- 3.2.6. Area Engineer: report dated 29/07/2022 - Further information requested.
- 3.2.7. Area Engineer: report dated 21/11/2022 - clarification of further information requested.
- 3.2.8. Archaeologist: report dated 29/8/2022 – No objection subject to attachment of a condition referring to archaeological monitoring.
- 3.2.9. Conservation Officer: report dated 15/08/2022 – further information requested.
- 3.2.10. Environment: report dated 23/08/2022 – No objection subject to the attachment of conditions.
- 3.2.11. Environment: report dated 08/08/2022 – No objection subject to the attachment of conditions.
- 3.2.12. Environment: report dated 21/11/2022 – The applicant submitted an FI response on 27/10/2022 in response to prior report from Environment section dated 23/08/2022. It is considered that the contents and details in relation to Surface Management plan are satisfactory.
- 3.2.13. Public lighting: report dated 26/7/2022 – Further information requested.
- 3.2.14. Public lighting: report dated 2/11/2022 – No objection subject to attachment of conditions.
- 3.2.15. Ecology: report dated 2/11/2022 – Clarification of further information is requested.

3.3. Prescribed Bodies

- 3.3.1. Irish Water - No objections.
- 3.3.2. Irish Aviation Authority - No observations.
- 3.3.3. Inland Fisheries Ireland - Two crossings over the stream on the eastern boundary of the site are proposed. There are no design details on these crossings. IFI request that conditions are attached to ensure that (1) if the application is granted a condition

be attached to the effect that there be no interference with bridging, drainage, cleaning, maintenance or culverting of the adjacent stream, its banks or bankside vegetation to facilitate this development without the prior consultation with IFI. (2) Both bridges are of a span nature with no requirement for instream works.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received a number of submissions/observations in relation to the application. The main issues raised are similar to those set out in the appeal and observations on the appeal.

4.0 Planning History

- 4.1.1. None on site

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

- 5.1.1. Volume Five refers to West Cork and Section 1.5 refers to Kinsale.
- 5.1.2. Under the provisions of the Plan as indicated on the zoning Map of Kinsale the appeal site is zoned Town Centre/Neighbourhood Centres.
- 5.1.3. Objective KS-T-02 - Town Centre. Lands to facilitate the expansion of the town centre. Proposals need to relate positively to the street, creating active frontages and avoiding blank facades. Development needs to create a high quality public realm, appropriate landscaping to reflect the “gateway” nature of this site marking the arrival/ departure to/from the town. Glenbeg Woodlands which contains broadleaved woodlands of ecological value, overlaps and is adjacent to the site. The retention of mature trees and natural boundaries within the site is desirable. Proposals should include a landscaping plan identifying trees to be retained and removed and proposals to protect landscaping features during construction. The existing laneway surface should be retained, upgraded and include lighting proposals.
- 5.1.4. Section 1.5.44 refers to Town Centre and Retail it sets out that Kinsale is an important service and tourism centre in Bandon-Kinsale Municipal District with a

strong convenience retail base and a good range of comparison services, especially in the niche independent sector. Within the town centre there is still a good vertical mix of uses. The Urban Capacity Study highlighted that vacancy rates in Kinsale town centre continue to be amongst the lowest in the County. Currently the main convenience anchor stores are provided by Supervalu, EuroSpar, Centra and Lidl which is located at the edge of the town centre, outside the core retail area. The extent of the existing town centre area has been combined into a single “town centre” zone (KS-T-01). This includes a large Supervalu store, multi-storey car-park, pharmacy and primary care facility on the upper levels which was a recent addition to the town centre offer.

- 5.1.5. The Plan’s objective is to continue to protect the historic fabric of the town centre. It is acknowledged that there are limited opportunities to provide larger modern retail formats within the medieval core due to access and heritage constraints. In response to this, some additional land has been included close to the new Supervalu complex under KS-T-02. This site was previously zoned for a primary care facility which has been developed elsewhere and forms a natural “gateway” to the town. Future proposals on this site will need to create active frontages onto the street, deliver a high quality public realm and provide links to the town centre and adjacent residential areas. Some tightening to the town centre zoning at Long Quay has been undertaken in order to avoid expansion of premises into the steep cliffside which would create scarring.
- 5.1.6. Volume 1 of the Development Plan - Chapter 9 refers to Town Centres and Retail
- 5.1.7. Table 9-1 Retail Network/Hierarchy and Objectives – Kinsale is designed as a Ring Town. Ring and Larger County Towns which generally perform important sub-county retailing functions and include some of the major retailing chains, particularly convenience. In general, these have a population in excess of 5,000 or are designated as Ring Towns in consecutive plans.
- 5.1.8. Objective TCR 9-8: Support the vitality and viability of the Ring and Larger towns to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas.
- 5.1.9. Section 9.10 refers to – Requirement for Future Retail – Non-Metropolitan Area –

- 5.1.10. Outside of Metropolitan Cork, the more dispersed pattern of retail centres allows somewhat greater freedom for future retail floorspace of an appropriate scale and location to be more market led. The key will be a Retail Impact Assessment and the proposed location which is critical to determining the acceptability of the proposal.
- 5.1.11. In relation to convenience retail, the broad aim is to provide appropriate retail infrastructure and choice close to resident populations.
- 5.1.12. County Development Plan Objective TCR 9-14: Convenience Approach-Non-metropolitan

To ensure retail development proposals take the following into account:

- Primarily Town Centre location.
- Seek to retain and enhance the vitality and vibrancy of town centre.
- Market led provision is acceptable provided it contains an assessment of the demonstrable and planned population growth, takes account of the existing quantum of development provided within each centre, an appropriate catchment area and takes account of extant permissions.
- Aim to provide market choice based on catchment of the main towns.
- Scale should be appropriate to town population and its catchment and avoid significant impacts on similarly sized centres.

- 5.1.13. Table 12.6: Car Parking Requirements for New Developments – convenience retail requires 1 space per 20sq m.
- 5.1.14. In relation to Key Indicators for Monitoring TCR9-14: Convenience Approach Non-metropolitan it provides for sustainability, social inclusion, placemaking and resilience.

5.2. Ministerial Guidelines

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

- 5.2.1. The Guidelines acknowledge that the retail sector is a key element of the national economy in terms of employment, economic activity and the vitality of cities and towns. A key aim of the Guidelines is that the Planning Authority planning system

should promote and support the vitality and viability of city and town centres in all their functions.

5.2.2. Section 2 outlines five key objectives which are intended to guide and control retail development, namely: -

- Ensuring that retail development is plan-led;
- Promoting city/town centre vitality through a sequential approach to development;
- Securing competitiveness in the retail sector by actively enabling good quality development proposals to come forward in suitable locations;
- Facilitating a shift towards increased access to retailing by public transport, cycling and walking in accordance with the Smarter Travel strategy; and
- Delivering quality urban design outcomes.

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

5.2.4. For proposals in edge-of-centre and out-of-centre locations, it must be demonstrated that there are no sites or potential sites either within the city or town centre (or designated district centre) or, as relevant, on the edge of the given centre that are (a) suitable (b) available and (c) viable. Advice is also provided in relation to the issues of suitability, availability and viability.

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

Retail Design Manual

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

5.3. Natural Heritage Designations

- 5.3.1. Courtmacsherry Bay SPA (Site Code 004219) is situated 12km to the south-west of the appeal site.
- 5.3.2. Sovereign Islands SPA (Site Code 004124) is situated 6km to the south-east of the appeal site.
- 5.3.3. Old Head of Kinsale SPA (Site Code 004021) is situated 10.2km to the south of the appeal site.
- 5.3.4. Cork Harbour SPA (Site Code 004030) is situated 13.7km to the east of the appeal site.
- 5.3.5. Seven Heads SPA (Site Code 004191) is situated 16km to the south-west of the appeal site.

5.4. EIA Screening

- 5.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required, see Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by Brock McClure on behalf Brock McClure on behalf of I & G Stores Ltd. The issues raised are as follows;

- It is submitted that there are gaps in the information presented having regard to the previous evidence of flooding.
- The Water Services Planning Report submitted with the planning application documentation prepared by Downes Associates state that based on a review of the Office of Public Works maps that the site is not located in a flood zone and that it is not identified as being at risk of flooding.
- The report states that there is no record of past flood events for the site based on the OPW site and therefore it was concluded that there was no requirement for a Flood Risk Assessment and Justification test.
- There is evidence of flooding circa 300m from the subject site. It is highlighted that Kinsale has undergone flooding at a significant number of locations with the town centre and approach roads.
- While the subject site may not have previously been subject to flooding they request that the Board consider the flood risk of neighbouring developments in Kinsale. The appellant is the owner of Supervalu located on the same road and circa 325m from the site.
- In December 2015 the Supervalu store and other developments in Kinsale were subject to significant damage due to flooding. The flooding occurred due to the stream on the site of the proposed development and its inability to deal with the volume of surface water run-off.
- A SuDs type system is proposed the design suggests that onsite pipeworks are designed for a two year storm. It is stated that this would indicate that storm events which are becoming more frequent could result in heavy rainfall bypassing the SuDs and directly entering the surface water.
- The biggest concern is that the proposed development and in particular the culvert of the stream will bring significant increased flood risk and issues to the area as a result of the discharge of surface water into the stream.
- Cork County Council have established that surface water upgrades are required for Kinsale. It is submitted that the proposal is premature pending the upgrades for the town.

- The surface water is proposed to be directly discharged into the stream. The appellant is concerned at the potential for the proposal to increase the likelihood of a further flood event as a result and in particular having regard to the streams previous inability to absorb surface water run-off volumes.
- It is submitted that the proposal is contrary to Objective WM11-11 as the proposed development is circa 5m from the existing stream. 2 no. three sided culverts are proposed which is not in accordance with Objective WM11-11.
- The response to the clarification of further information prepared by Doherty Environmental details that surface water run-off generated at the project site during the construction and operational phase of the project will drain to the stream along the eastern boundary of the site.
- It is highlighted that it is stated in the response that “in the event that the project results in the discharge of contaminated drainage waters to the stream there will be potential for negative impacts to the water quality of this watercourse and the release of such contaminants to Kinsale Harbour. Given the local nature conservation value of this stream such inputs will have the potential to result in an impact of moderate magnitude and effect of minor significance”.
- It is submitted that the proposal is contrary to the policy objective WM11-12 which may pose risk by instances of flooding to surrounding development and may further impact on the stream a potential to release contaminants into Kinsale Harbour.
- It is submitted that the matters traffic and transport have not been given appropriate consideration. Concern is raised in relation to the addition of 2 no. access points to the proposed development off New Road which will lead to an unacceptable intensification of traffic volumes and movements. It is considered that the 2 no. access points to the site will increase safety concerns accident risk on the stretch of road.
- Elements of the proposal relate to transport on the public road and outside of the subject site’s red line boundary. Specifically, the 2 no. raised tables at the

entrances with pedestrian crossings. The works could not be implemented on foot of the subject application with a grant of permission.

- A letter of consent from Cork County Council has not been provided for the portion of works proposed to the laneway. The issue of the validity of the application is raised.
- It is submitted that the principle of the development is not appropriate when reference against the current retail provision in the town alongside the population of Kinsale and the catchment area.
- It is considered that the applicant's Retail Impact Assessment overstated the catchment area and population for the proposed development. It is considered that proposed catchment area does not fall within a credible commuting distance to Kinsale.
- It is submitted that there is not enough existing or future demand in the area for an additional supermarket.
- It is understood that the catchment area created by the applicant follows the Census Electoral Division Boundaries. The applicant assumes a 15 minute driving catchment which does not correspond with their analysis.
- The applicant's stated assumption of a 15 minute drive catchment area does not correspond to the final catchment area used for establishing the potential population the proposed development would serve.
- The applicant identifies this catchments population as 17,527 people using the 2016 Census result. The 2022 Preliminary census results would result in a population of 19,110 using the same Electoral Divisions.
- It is stated that a more realistic catchment area would see the complete exclusion of Ballinadee, Coolmain, Nohaval, Courtmacsherry, Butlersown and Rathclarin Electoral Divisions as they are outside of a 15 minute drive catchment from the subject site. The removal of these Electoral Divisions from the population catchment assessment and using 50% of the population equidistant to Carrigaline would result in a more realistic population catchment estimate of 14,422 people for 2022 Preliminary Census figures.

- It is submitted that the proposal represents piecemeal development at a strategic location. The proposed development is a destination in its own right and does not link to any of the services the core town centre provides. The lands effectively comprise no physical functional or visual connection to the existing town centre.
- Kinsale is within category IV – “Small towns and Rural Areas” in the national retail hierarchy and is identified as a “Main Town” in the Bandon Kinsale Municipal District Local Area Plan (LAP).
- Kinsale is also identified as a Ring Town in the County’s Retail Network/Hierarchy and the Development Plan notes that Ring Towns generally perform important sub-county retailing functions and include some of the major retailing chains particularly convenience.
- The retail role for such towns is “to provide a significant choice of convenience and comparison shopping”. Objective TCR 9-8 sets out that it is an objective to “support the vitality and viability of the Ring and Larger towns and to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas.
- It is submitted that it is evident that Kinsale is more than adequately served by existing convenience and comparison outlets. The town plan does not identify any specific deficiencies in the existing retail provision as it identifies that Kinsale has ‘a strong convenience retail base and a good range of comparison services’.
- Section 1.5.45 of the Plan identifies that currently the main convenience anchor stores are provided by Supervalu, Eurospar, Centra and Lidl which are located at the edge of the town centre outside of the core retail area.
- As identified by the applicant the immediate catchment area has circa 4,549sq m of convenience retail floorspace.
- The total available convenience goods expenditure attributed to residents in the catchment area is €61,134,858 which is significantly less than the amount which the applicant estimated at €79,400,709 for 2023.

- The applicant's Retail Impact Assessment adjusts the assumed turnover ratio/sales density for 'discount floorspace' a figure of €9,5000. Section 4.11.1 of the Retail Planning Guidelines, 2012 states that "the distinction between 'discount stores' and other convenience goods which was contained in the 2005 Retail Planning Guidelines no longer apply." Therefore, in calculating the capacity for additional net convenience floorspace the standard sales net density should be applied irrespective of the 'Discount Foodstore' status.
- It is submitted that the proposed development would deliver an excess of the minimum requirement in the town and hinterland and would result in an overprovision of convenience retail floorspace in Kinsale. It is submitted that the principle of the proposal is contrary to the Development plan retail policy.
- The applicant's Retail Impact Assessment concluded that there will be no impact on the surrounding retailers and that there is a demand for the Aldi store at this location. The appellant considers that this is a gross underestimation of the potential impact of the proposal.
- Therefore, it is submitted that an additional supermarket within circa 400m of two existing supermarkets Supervalu and Lidl. The proposed convenience store will result in the overprovision and overconcentration of convenience floorspace in Kinsale and that it would pose a serious negative economic effect on the local businesses in the town.
- The appellant's planning consultants are of the professional opinion that in the long term the proposed development will undermine the existing retail units in the core town centre area which will lead to an increase in vacancy due to a lower demand and underutilisation of other retail units.
- It is submitted that the proposed development does not comply with the five objectives of the Retail Planning Guidelines 2012. Which are; (1) Ensuring that retail development is plan-led; (2) Promoting city/town centre vitality through a sequential approach to development; (3) Securing competitiveness in the Retail sector by actively enabling good quality development proposals to come forward in suitable locations. (4) Facilitating a shift towards increase access to retailing by public transport, cycling and walking through careful

location and design in terms of catchment area and (5) Delivering quality urban design outcomes.

- It is submitted that the proposal is not plan-led and that a demand for an additional supermarket has not been demonstrated by the applicant.
- The proposed development does not promote town centre vitality and is a destination in its own right. The site is disconnected from the core town centre without any physical, functional or visual connections. It is submitted that the subject proposal does not accord with the strategic aim from Kinsale and will result in an overprovision of convenience retail in the town.
- The proposed development will undermine the existing retail units in the core town centre are which will lead to an increase in vacancy due to a lower demand and utilisation of other retail units and would make it more difficult to encourage the redevelopment of existing derelict and underutilised town centre sites.
- National and local planning policy objectives relate to securing a general shift towards sustainable travel modes through careful location and design of new retail developments relative to the catchment area being served. By encouraging appropriate retail development in locations with good public transport facilities such as the town centres of cities and larger towns, increased usage of public transport can be encourage.
- Section 14.6.3 of the Development Plan notes that Kinsale is one of six towns within the County designated as an 'Active Travel Towns' with the principal objective to achieve a significant change in travel behaviour from the current over dependency on car travel to walking and cycling.
- The subject proposal is effectively a car-oriented development which does not support policy objectives for sustainable transport modes.
- It is submitted that the proposal promotes car dependency as it is located at the edge of the town centre, creating a destination in its own right and does not link to any of the services of the core town centre. It is national policy to promote town centre viability and vitality through sequential development and

through facilitating a shift towards increased access to retailing by public transport, cycling and walking.

- It is submitted that the transport and traffic assessment submitted with the application illustrated the poor quality of the linkages including poor narrow footpaths on one side of the road only.
- It is considered that the proposed development and the extent of the catchment area identified in the Retail Impact Assessment will generate significant additional traffic with potential to impact on the national road network and the performance of existing and proposed junctions.
- The proposed development would pose a risk to pedestrians, cyclists and traffic safety and would be contrary to national, regional and local policy on sustainable travel.
- In relation to the design of the proposal it is considered that it is contrary to the established character of the area and does not provide for a distinctive sense of place. The proposed design has not been adapted to assimilate into the established surrounding area and it is a generic store design.
- It is submitted that the proposal has failed to demonstrate demand and the appropriateness of the retail offer and it is noted that the population threshold for Kinsale and the immediate surrounding area is too low to support an additional large supermarket in the town.
- It is submitted that the design of the proposed development is not appropriate on the site to reflect the 'gateway' nature of the site marking the arrival/departure to/from the town as per Objective KS-T-02.
- Objective KS-T-02 states, 'Town Centre. Lands to facilitate the expansion of the town centre. Proposals need to relate positively to the street, creating active frontages and avoiding blank facades. Development needs to create a high quality public realm, appropriate landscaping to reflect the "gateway" nature of this site marking the arrival/ departure to/from the town. Glenbeg Woodlands which contains broadleaved woodlands of ecological value, overlaps and is adjacent to the site. The retention of mature trees and natural boundaries within the site is desirable. Proposals should include a

landscaping plan identifying trees to be retained and removed and proposals to protect landscaping features during construction. The existing laneway surface should be retained, upgraded and include lighting proposals.”

- It is considered that the proposed design does not accord with key principles of the Retail Planning Guidelines and the Development Plan with regard to the provision of active frontages.
- The design of the façade will create a blank street elevation which is not in the best interest of the proper planning and sustainable development of the area.
- The Southern Regional Assembly’s Regional Spatial and Economic Strategy will seek to direct tourist traffic and buses from the R600 to New Road and as a result the first view of Kinsale for visitors will be along this route. Any development along this road should seek to enhance the visual impression of the town approach. The design is not considered acceptable as it does not reflect the prominent nature of the site and does not represent adequate elevations/active frontage on the main entrance road to Kinsale and will impact on the creation of a suitable streetscape along this road in the future.
- Section 1.5.46 of the Plan identified that any future proposals on the subject site will need to create active frontages onto the street, deliver a high quality public realm and provide links to the town centre and adjacent residential areas.
- Policy Objectives CS2-4(c) aim to “protect and enhance the natural and built heritage assets of Kinsale to facilitate the development of the town as a Principal Tourist Attraction” It is considered that the proposal does not represent an appropriate design response to enhance the existing built heritage of Kinsale.
- Section 1.4.47 of Appendix 5 of the Plan refers to locally derived urban design guidance is provided to ensure new development knits successfully into the urban grain. In order to protect and enhance the core retail area, it is essential that future retail development consolidates the core and strengthens the links between the core and town centre expansion area.

- It is considered that the proposal will represent a missed opportunity to provide a high quality town centre development including possible employment opportunities, community facilities or residential development at this location that contributes to the vitality and character of the town and will be sae for all members of the community.
- In conclusion, they consider that the proposal would seriously and adversely affect the vitality and viability of the existing town and that it is contrary to the objectives of the County Development Plan. It is considered that the current proposal does not accord with all key objectives of local, regional and national planning policy and objectives and would not be in the best interests of the proper planning and sustainable development of the area.

6.2. Applicant Response

A response to the appeal was submitted by Coakley O'Neill Town Planning on behalf of the applicants Aldi Stores(Ireland) Ltd. The issues raised are as follows;

- In relation to the issue of gaps in the information provided regarding the previous history of flooding it is confirmed that a site Specific Flood Risk Assessment was prepared by Downes Associates and accompanied the planning application when it was lodged on 1st July 2022.
- This was carried out in accordance with 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities, November 2009.
- The core principles in planning and designing for flood risk are: (a) locating development away from areas at risk of flooding where possible; (b) substituting more vulnerable land used with less vulnerable ones, where the principle of development within flood risk areas has been established and (c) identifying and protecting land required for current and future flood risk management; such as conveyance routes, flood storage areas and flood protection schemes etc, where the principle of development within flood risk areas has been established.
- The contention that "there is a significant gap in the application material" is without substance. The information submitted with the application regarding

flood risk assessment and management is appropriate, comprehensive and complies with the current Flood Risk Management Guidelines and Cork County Council's development standards.

- It is stated in the appeal that flooding occurred 300m from the appeal site at their own store. This is a separate planning issue based on the fact that while their site is situated in proximity to the appeal site their setting and context are completely different.
- The recurring flooding events in Kinsale were referred to in the Site Specific Flood Risk Assessment as reported and predicted by the OPW flood maps. The mapped extent of flooding does not extend as far as the appeal site. There is no evidence from the mapping that the watercourse on the appeal site is subject to flooding or the particular cause of flooding in Kinsale.
- There is no record of flooding at the appellants site according to OPW records and therefore is not referenced in the SSFRA. The Supervalu store is at approximately 5-10m OD compared to the applicant's site which is at 25-30m. The implementation of SuDs shall not result in any intensification of the current greenfield runoff from the Applicant's site to the watercourse and therefore shall not increase the risk of flooding downstream.
- It is stated in the appeal that the "onsite pipework is designed for a two-year storm. This would indicate that storm events, which are becoming more frequent, could result in heavy rainfall bypassing the SuDs and directly and entering the surface water."
- It is responded that this is incorrect and should be excluded from consideration. All surface water pipework is initially sized to cater for two-year storm event to provide preliminary pipe sizes/gradients for the network only.
- A more detailed analysis is then undertaken to justify/modify these sizes/gradients. It is confirmed that water pipework is designed using very refined hydraulic modelling for rainfall events up to 100 year storm event and further allowance for climate change.
- It is argued in the appeal that the proposed development is at variance with Objective WM11-11 and Objective WM11-12 of the Cork County Development

Plan 2022. In relation to Objective WM11-11 the three sided culverts are being designed in accordance with the recommendations of the applicant's engineer and ecologist and also the Council's ecologist and water services department to meet all the necessary requirement to protect the existing watercourse.

- In relation to Objective WM11-12 surface water proposals for the development include specific management measures to ensure effective treatment of the water to remove contaminants and to protect the environment and biodiversity. The Construction Stage surface water management plan submitted to the Planning Authority by Doherty Environmental details the temporary protective measures to be put in place. It is highlighted that these proposals were accepted by the Planning Authority.
- In relation to Traffic and Transport Issues a response was provided by TPS M Moran & Associates.
- It is set out in the appeal that matters of traffic and transport have not been given appropriate consideration or review within the submitted application documentation and that the proposed development will lead to an unacceptable intensification of traffic volumes and movements.
- Points raised by Transport Insights, Transport Planning Consultants on behalf of the Appellant are detailed as; - lack of public transport accessibility; - lack of pedestrian and cycling facilities in the vicinity of the Aldi site; - overprovision of car parking; - under estimation of development related trips; - Underestimation of base traffic data; - No Road Safety Audit has been undertaken to support the application.
- It is highlighted that no submission was received in respect of the proposed development by TII or the NRA. It is also highlighted that at no stage of the assessment of planning application by Cork County Council did the Roads and Transportation Section of Cork County or the Engineers office raise any technical issues with the extent of traffic information provided by the applicant. Therefore, it is submitted that in this regard the proposed works are not only fully compliant with the relevant standards but also accepted by Cork County Council.

- The appeal refers to a lack of public transport accessibility to the site. It is highlighted that the appellant's store also located on New Road to the south has no dedicated public transport arrangements to facilitate shoppers.
- The appeal also refers to the lack of pedestrian and cycling facilities. It is responded that New Road is served by existing footpaths, traffic calming measures and a 50kph speed limit. It is highlighted that the upgrading of the existing laneway between Barrack Street and New Road including in the application will not only facilitate its use by Aldi non car borne shoppers but will also be of benefit to other pedestrians in the town. Therefore, the first party disagrees with the assertion that there is a poor quality of linkages including poor/narrow footpaths on one side of the road only.
- In relation to car parking the parking in the scheme was reduced 93 no. spaces on the basis of providing 1 no. space per 20sq m of retail floor space. 9 no. spaces are parent and child spaces and 5 no. spaces are dedicated as disabled parking. 4 no. electric vehicle spaces with electric charging pods. The Council accepted the parking proposals.
- The appeal questions the validity of the application and questions the provision of raised tables outside the applicant's red line boundary. It is highlighted to the Board that these raised tables would be provided by the applicant during the construction phase of the proposed development under licence from Cork County Council and that this is standard procedure in relation to road upgrade works.
- The proposal has been assessed with robust traffic modelling scenarios and the adjacent road network is identified as being more than capable of accommodating the traffic associated with the proposed development.
- Regarding the statement in the appeal that the catchment area and population are overstated in the Retail Impact Assessment they make the following response;
- All proposed retail developments must have regard to the Retail Planning Guidelines 2012 section 4.9 of the Guidelines sets out the key considerations in preparing a Retail Impact Assessment (RIA). These are – support the long-

term strategy for city/town centres as established in the Retail strategy/development plan and not materially diminish the prospect of attracting private sector investment into one or more such centres. Have the potential to increase employment opportunities and promote economic regeneration. Have the potential to increase competition with the area and attract further consumers in the area. Respond to consumer demand for its retail offering and not diminish the range of activities and services that an urban centre can support. Cause an adverse impact on one or more city/town centres, either singly or cumulatively with recent developments or other outstanding planning permissions sufficient to undermine the quality of the centre or its wider function in the promotion and encouragement of the arts, culture, leisure, public realm function of the town centre critical to the economic and social life of the community. Cause an increase in the number of vacant properties in the primary retail area that is likely to persist in the long term. Ensure a high standard of access both by private transport, foot and private car so that the proposal is easily accessible by all sections of society. Link effectively with an existing city/town centre so there is likely to be commercial synergy.

- It is stated in the appeal that the RIA submitted with the application overstated the catchment area and population for the proposed development.
- It is highlighted that the RIA was predicted on the catchment area used for the RIA submitted with the Lidl discount foodstore planning application granted on 22nd February 2010 under PA Reg. Ref. 09/53009 and ABP 65.236322.
- It is stated in the Development Plan that the Ring town of Kinsale serves a wide rural hinterland and has an important sub-county retail function beyond its catchment.
- The catchment identified includes areas in the wider hinterland such as rural and coastal areas to the south and east of Kinsale where Kinsale is the only significant town serving this area and that is relatively accessible from those areas.

- The catchment is established by including the electoral divisions within an approximately 15 minute drive while excluding areas principally within the catchment of other areas.
- The catchment also includes several respective electoral divisions neighbouring Kinsale. It is also takes into account the availability of convenience retailing including existing Aldi stores in Carrigaline to the north-east and Bandon to the west and Cork City further to the north-east. This catchment was acceptable by Cork County Council.
- The Council did not require that the catchment be revised. The appellant did not raise the matter of the catchment in their initial submission to Planning Authority.
- Accordingly, it is submitted that the catchment area in the RIA for the proposed development is robust and is in line with that accepted in the Lidl permission cited above.
- It is stated in the appeal that the applicant failed to demonstrate demand and appropriateness of the retail offer and insufficient floorspace. The RIA dated June 2022 which was submitted with application followed a standard and accepted methodology to determine the nature and extent of retail expenditure and floorspace demand in the catchment.
- It was accepted by the Planning Authority that the RIA is based on the latest available information published within the Metropolitan Cork Joint Retail Strategy 2013 to establish a per capita expenditure estimate for the defined catchment area.
- The Metropolitan Cork Joint Retail Strategy 2013 assumes that there would have been no growth in convenience expenditure from 2011-2013. A growth rate of 2% per capita is assumed from 2013-2016 increasing to 3% between 2016-2022. It was assumed in the RIA that there is no growth in convenience expenditure in the design year of 2023.
- Table 6 of the RIA indicated a potential deficiency of 7,755m² net convenience floorspace in the identified catchment in 2023, if all expenditure is retained in the catchment including a 10% allowance for online shopping. The proposed

Aldi store comprises an additional 1,315 m² net retail floorspace. The proposal can be supported by the potential available capacity in the catchment.

- The RIA identified and assessed the existing convenience retail stores in the catchment and the likely impacts of the proposed floorspace on their vitality. It has therefore been established that quantitatively there is sufficient expenditure within the catchment to support the proposed development without impact on these existing stores.
- It is stated in the appeal that the proposed development fails to comply with the Retail Planning Guidelines. The five key objectives of the Guidelines state; (1) Ensuring that retail development is plan led (2) Promoting city/town centre vitality through a sequential approach to retail development. (3) Securing competitiveness in the Retail Sector by actively ensuring good quality development proposals to come forward in suitable locations. (4) Facilitating a shift towards increased access to retailing by public transport, cycling and walking through careful location and design in terms of catchment and (5) Delivering quality urban design outcomes.
- It is set out in the appeal that the proposed development is not plan let where it has been effectively demonstrated that it is.
- The site benefits from KS-T-02 town centre zoning objective and forms part of Kinsale existing development boundary.
- It is submitted that the proposed development fully accords with numerous policies and objectives in the context of National, Regional and Local policy guidance. The appeal does not provide a robust justification in respect of these arguments.
- In relation to point 2 it is set out in the appeal that the proposed development does not promote town centre vitality and is a destination site in its own right. It is also stated that in the appeal that the subject site is disconnected from the core town centre without any physical, functional or visual connections.
- In response it is highlighted that the site is circa 300m to the north of the appellant's site and a continuous footpath is located on the eastern side of the

New Road. The pedestrian crossing traverses the road at a point where the footpath travels further north and north-west towards Barrack Street.

- The first party takes issue with the assertion that the site is only serviced by poor/narrow footpaths on one side of the road. The roads/pedestrian layout on New Road includes a series of solid islands with crossing hatched and road markings located to the north and south of the pedestrian facility.
- The pedestrian crossing incorporates tactile paving and dropped kerbs for vulnerable road users. Double yellow lines are located along both side of New Road which restricts parking.
- The permeable and accessible nature of the site is highlighted by way of the refurbishment of the existing laneway included in the planning application providing access to the site from Barrack Street.
- The proposed development will increase the overall retail competitiveness of the town, providing a greater range and choice of goods for consumers. The Aldi discount foodstore provides a complementary retail offering to that of existing retail units in the town centre. The Aldi range comprises a limited selection of goods in the following categories – general tinned, bottled and pre-pack groceries; seasonal fruit and vegetable lines; frozen and chilled goods; Beers, wines and spirits; prepacked bread rolls and cakes; Everyday non-food (limited range). It is submitted that this will not detract from the town's existing retail function.
- In relation to the matter of a shift towards increased access to retailing by public transport, cycling and walking through location and design within the catchment. This is addressed in the Traffic and Transport response.
- There is no public transport along New Road and this also applies to Supervalu to the south. The necessary provisions are in place to facilitate more active forms of transport specifically walking and cycling.
- The appellants suggest that the proposed development would pose a risk to pedestrians, cyclists and traffic safety is therefore baseless.

- Regarding the issue of negative visual impact, a response was submitted by Deady Gahan Architect and a Landscape & Visual Impact Assessment prepared by Cunnane Stratton Reynolds.
- It is submitted that the design, size, scale, massing and integration of the proposed development into the surrounding area has been carefully considered and it was revised in accordance with the Council requirements.
- The response from Deady Gahan states that “The buildings elevation has been broken up in terms of materials, height and elevational form to remove any monolith feel to the streetscape. In addition, the building has been placed off the road to maintain the existing mature vegetation strip and stream that aids in the integration of the building to its surroundings. To say the building has not meet the criteria set out in the KS-T-02 objective falls short, as it is clearly demonstrated on the plans, elevations and 3d montages, the building nestles into difficult terrain perfectly, sets a tone for the town of the modern contemporary building whilst having respect for the surrounding topography of the site and environmental impact such a development could have on the site.
- It is submitted that the design of the proposal was accepted by the Planning Authority and that it is appropriate to the sites setting and context. It is concluded in the Landscape and Visual Impact Assessment prepared by Cunnane Stratton Reynolds that the landscape effect which would result in a moderate change to a landscape of medium sensitivity. The quantitative landscape effect is considered to be beneficial. The visual effects associated with the proposed development are found to be either low or moderate and the importance of visual effects is found to be either Neutral or Beneficial. The site has the capacity to accommodate the development without incurring adverse visual effects. Careful consideration of the scale, height and materiality of the development has ensured that the proposed development sits comfortably within the site while providing appropriate definition at a gateway location to the town.
- In conclusion, it is submitted that the proposed development is in compliance with statutory Development Plan policies that it will not create significant negative impacts and will not adversely affect the residential amenity of

adjoining properties. It will not adversely impact on the character of the area, the retail competitiveness of Kinsale or give rise to traffic hazard.

6.3. Planning Authority Response

The Planning Authority submitted a response to the third party appeal the issues raised are as follows;

- The primary reason the Supervalu was flooded in December 2015 was to do with a drainage gate being obstructed. The Council's Engineers have confirmed that since this event (1) remedial works were undertaken and (2) there is now a weekly maintenance regime in place aimed at preventing any future flood occurrence.
- The application was assessed by the Council Engineers and it is in accordance with the Section 'Water Sensitive Urban Design' as set out in the County Development Plan 2022. It is reiterated that the site is not identified as being within a zone identified as being susceptible to flood risk in the County Development Plan 2022.
- The proposed Aldi Store is a site specific design appropriate to the surroundings and it complies with the requirements of the specific zoning objectives. It is noted that the design is at least the equivalent of the appellants Supervalu store and is beyond the main heritage interest of the town and outside the Architectural Conservation Area.
- The Planning Authority re-affirms strongly the decision to grant permission and is satisfied that the schedule of planning conditions achieves an appropriate standard of development.

6.4. Observations

Observations to the appeal have been submitted by (1) Raymond and Christine Alcorn and (2) Barry O'Brien and Sandra Barry.

(1) Raymond and Christine Alcorn

- The observers do not consider that the photomontages reflect the development and existing context.

- The observer's property is a 3-storey semi-detached townhouse located to the west of the appeal site. The proposed loading dock would be located adjacent to their garden.
- Concern is expressed in relation to the noise which deliveries carried out HGV's would generate.
- They have concerns that there are ambiguities around the proposed operational times.
- They highlighted the WHO and EPA noise guidelines which refer to nighttime limits (10pm-8am) of 45dBA and the day time limit is 55dBA.
- They state that the F.I. technical note Noise Levels 27/10/22 states the noise from reversing trucks will be 57dBA at their property. The traffic report submitted states that deliveries will be made between the hours of 6.00am to 8.00am which means deliveries must comply with the lower 45dBA limit.
- The technical note takes a level for reversing alarms at 74DBA at 10am. Delivery trucks will generate traffic along with other service vehicles.
- Concern is expressed that the plant noise will be intrusive particularly on still summer nights.
- The Council attached condition no. 17 which states that the daytime noise level shall not exceed 55dBA and the night time level should be 45dBA. The Observers consider that with current design and operational intentions it will not be possible for Aldi to be in compliance with this.
- Regarding the retaining wall, significant earthworks will have to take place on the boundary with the observer's property. The observers consider that insufficient detail has been provided for its construction to indicate to them that the slope to their property will not be destabilised leading to potential subsidence to their property. No plan or mitigation measures have been suggested.
- The construction of a retaining wall would create an unprotected 6m sheer drop. The design of the wall means that persons can get onto the wall much lower down and walk up the wall to access the observer's property. The gap

from the wall to the site is circa 1.2m so it would be possible to access their property from the Aldi roof.

- It is submitted that there are inconsistencies in the proposals for the roof of the building. A green living roof is proposed and the application also refers to PV panels and roof mounted plant.
- Regarding the retail impact the study concludes that there will be no impact on the surrounding retailers and that there is a demand for an Aldi store at the site. The observers consider that these results are based on serving the population from the hinterland surrounding Kinsale. The observers consider that Kinsale is served by a satisfactory amount of grocery options with a Lidl, a Supervalu, a Spar, a Centra a store in the local service station and Tesco and Dunnes serving Kinsale with online deliveries.

(2) Bary O'Brien and Sandra Barry

- The observer's property is at NSR08 as per the Noise Impact Assessment report provided by Malone O'Regan Environmental (MOR) it is one of the closest properties to the proposed development.
- The observer's property is a 3 storey semi-detached townhouse. The rooms which fact the proposed development include three bedrooms, the kitchen, main living room and an office which is used for working from home. The rear garden is directly adjacent to the proposed development.
- Concern is expressed that the details presented in the Noise Impact Assessment report and response to Cork County Council's request for further information provided by Malone O'Regan Environmental on behalf of their client Aldi Stores (Ireland). It is considered the details provided are subjective and that there is a lack of comprehensive review of impact.
- The Planning Application traffic report states that deliveries will be made between the hours of 0.600 to 0.800. It is stated that the NIA and responses confirm that the noise impacts associated with the future operation of the development do not conform to condition no. 17.
- The observers consider that the Noise Impact Assessment should be revisited.

- Concern is expressed in relation to the design and location of the retaining wall. The actual slope at the property adjoining the observers to the north would mean that should the wall be built per the plans, there would be an unreinforced vertical of 3-4m directly in line with the wall.
- The details provided do not elaborate as to how the near vertical slopes immediately adjacent to the proposed retaining wall are to be made safe. It is suggested that substantial detail should have been provided in relation to the provision of a suitable safety barrier at the wall boundary and also the finish and ongoing maintenance of the wall and boundary area on its western residential side.
- It is considered that the retaining wall as proposed will present a new security risk to the adjoining properties.
- The observers state that their property is currently inaccessible from the east by an impenetrable slope and vegetation. The wall as proposed without any security barriers means that there would be an accessible pathway directly to the rear of their property.
- Concern is expressed in relation to the depth of excavation required below the ground level and that the construction of the wall would have noise/vibration impacts. They request that the granting of any permission be subject to stringent regulations and pre-conditions with regard to that aspect of the construction.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal can be considered are as follows:

- Principle of Development/Compliance with policy
- Retail Need and Retail Impact

- Impact on residential amenity
- Design and visual impact
- Traffic Impact and Access
- Surface water and flooding
- Other issues

7.1. Principle of Development/Compliance with policy

- 7.1.1. The proposed development seeks permission for the construction of a single storey supermarket with a gross floor area of 1,819sq m and a net retail area of 1,819sq m and associated site works at New Road & Barrack Street, Townplots, Kinsale, Co. Cork.
- 7.1.2. Chapter 9 of the Cork County Development Plan 2022-2028 refers to Town Centres and Retail. Table 9-1 sets out the Retail Network/Hierarchy and Objectives. Kinsale is designated as a Ring town within the Cork County Retail Hierarchy. It is set out that Ring and Larger County towns which generally perform important sub-county retailing functions and include some of the major retailing chains, particularly convenience. TCR 9-8 – Support the vitality and viability of the Ring and Larger towns and to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas.
- 7.1.3. Section 9.10 of the Development Plan refers to the requirement for future retail in the non-metropolitan area. It details that outside of Metropolitan Cork where there is a more dispersed pattern of Retail Centre this provides for a greater freedom for future retail floorspace to be market led subject to appropriate scale and location. It is highlighted that the key to determining such proposals will be a Retail Impact Assessment and the proposed location which is critical to determining the acceptability of the proposal.
- 7.1.4. The appeal raises concern in relation to the siting of the proposed development at a location removed from the town centre of Kinsale. It is stated in the appeal that the proposed development does not promote town centre vitality and is a destination in its own right. The site is disconnected from the core town centre without any

physical, functional or visual connections. It is submitted that the subject proposal does not accord with the strategic aim from Kinsale and will result in an overprovision of convenience retail in the town.

- 7.1.5. The Retail Planning Guidelines support the provision of retail development within town centres. Objective TCR 9-8 in Development Plan seeks to support the vitality and viability of the Ring and Larger towns to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas.
- 7.1.6. Volume 5 of the Cork County Development Plan 2022-2028 refers to West Cork and Section 1.5 refers to Kinsale. Specifically in relation to the location of future retail development in Kinsale it is acknowledged that there are limited opportunities to provide for larger modern retail formats within the medieval core due to access and heritage constraints. Therefore, it is detailed in the plan that some additional land has been included close to the Supervalu complex under Objective KS-T-02 and that future proposals on this will need to create active frontages onto the street, deliver a high quality public realm and provide links to the town centre and adjacent residential area.
- 7.1.7. The subject site under consideration at New Road and Barrack Street Kinsale is situated circa 600 from the town centre core of Kinsale. The site is zoned Town Centre/Neighbourhood centre and it forms part of the lands which are subject to Objective KS-T-02. It is set out under the objective that development of the lands shall seek to facilitate the expansion of the town centre that the development needs to create a high-quality public realm, appropriate landscaping to reflect the “gateway” nature of this site marking the arrival/ departure to/from the town.
- 7.1.8. In relation to the location of the site, the first party in their response highlighted that the appellant’s Supervalu store is located circa 300m to the south of the appeal site. The character of development in the vicinity of the site is residential to the west on Barrack Street. The lands adjoining the site to south are not developed nor is the lands immediately to the east on the opposite side of New Road. Kinsale fire station is situated 95m to the south of the site and the Supervalu supermarket is located circa 300m to the south.

- 7.1.9. Section 9.7 of the Plan refers to Locating Retail Development. It sets out that in line with the Retail Planning Guidelines the preferred location for retail development is within town centres and particularly 'primary' areas. The 'primary' areas of town centres will consist of retail areas and appropriate contiguous opportunity sites. The Retail Planning Guidelines support the development of retail within town centres and outlines that edge of centre locations will be considered where it has been demonstrated that there are no potential sites which are (a) suitable (b) available and (c) viable within town centres.
- 7.1.10. In relation to the matter of a sequential test assessment it is set out in the Retail Impact Assessment (RIA) prepared by Coakley O'Neill that the site is located circa 8 minutes walk from Kinsale town centre along the R605 and that town centre locations are preferred locations for retail development in accordance with national, regional and local retail planning policy and as such no sequential test is required. The Planning Authority in their assessment of the proposal were satisfied that a sequential test assessment had not been included within the Retail Impact Assessment on the basis of the town centre zoning of the subject site and that there were no other similar suitable alternative sites or buildings within the town centre or edge of centre available. It was also noted that the site which constitutes an edge of centre site is located a shorter walking distance to the town centre of Kinsale than from the existing Lidl located to the south of Barrack Hill.
- 7.1.11. On the basis of the location of the site circa 600 from the town centre core of Kinsale, I would concur with the Planning Authority that its location would fall within the definition of edge of centre as set out with the Retail Planning Guidelines. Having regard to the town centre zoning of the site and the provisions of Objective KS-T-02, specifically the rationale provided in the plan in respect of the reasoning surrounding the designation of Objective KS-T-02 to the subject lands, which are that having regard to the historic fabric of the town centre there are limited opportunities to provide larger modern retail formats within the medieval core due to access and heritage constraints and therefore some additional lands were included close to the new Supervalu complex under Objective KS-T-02 to provide for town centre development.
- 7.1.12. On site inspection, I noted the fine urban grain of the retail core and I would concur with the Planning Authority that acknowledge the constraints of the traditional core to

accommodate the nature of the development proposed. Furthermore, I note that several existing large convenience retailers in the town are located at edge of centre locations.

- 7.1.13. I am satisfied that the appeal site is a suitable location for a convenience store of the scale proposed. The site is located in proximity to and benefits from pedestrian linkages with the retail core of Kinsale. The proposed development also includes proposals to make modifications to the existing pedestrian access from New Road to Barrack Street. This will serve to further improve accessibility and pedestrian access and linkages within the town.
- 7.1.14. Having regard to the above reasons and considerations I consider that the principle of the development of a convenience foodstore on an edge of centre site in Kinsale is acceptable and in accordance with the designation of Kinsale as a Ring Cork County Development Plan which seek to promote a diversity of retail types within the County.

7.2. Retail Need and Retail Impact

- 7.2.1. The grounds of appeal refer to the retail impact of the proposed development. A Retail Impact Assessment prepared by Coakley O'Neill town Planning was submitted in support of the application in accordance with the requirements of Section 9.10 of the Development Plan which refers to – Requirement for Future Retail – Non-Metropolitan Area and which sets out that outside of Metropolitan Cork, the more dispersed pattern of retail centres allows somewhat greater freedom for future retail floorspace of an appropriate scale and location to be more market led. The key will be a Retail Impact Assessment and the proposed location which is critical to determining the acceptability of the proposal. County Development Plan Objective TCR 9-14 refers to Convenience Approach-Non-metropolitan it requires that retail development proposals take into account a number of issues including that a market led provision is acceptable provided it contains an assessment of the demonstrable and planned population growth, takes account of the existing quantum of development provided within each centre, an appropriate catchment area and takes account of extant permissions and that the scale should be appropriate to town population and its catchment and avoid significant impacts on similarly sized centres.

- 7.2.2. The appeal questions a number of the underlying assumptions set out within the RIA. It is argued in the appeal that the RIA overstated the catchment area and population for the proposed development. The appellant considers that there is not sufficient existing or future demand in the area for an additional supermarket. The appellant stated that they understand that the catchment was based on a 15 minute driving catchment. They consider that the 15 minute drive catchment does not correspond to the final catchment. The catchment population was identified in the RIA as 17,527 based on the 2016 Census results. It is noted in the appeal that based on the preliminary figures from the 2022 Census that the catchments population would be 19,110 using the same Electoral Divisions.
- 7.2.3. The appellant considers that a more realistic catchment area would be with the exclusion of a number of locations such as Ballinadee, Coolmain, Nohaval, Courtmacsherry, Butlersown and Rathclarin Electoral Divisions as they are outside of a 15 minute drive catchment from the subject site. On that basis they consider that the population of the catchment would be 14,442 using the preliminary figures from the 2022 Census. The appellants submit that the proposed development represents a piecemeal development which is a destination in its own right and that it does not link to any of the services in the town centre core.
- 7.2.4. In response to the issue of the catchment used in the RIA the first party stated that the catchment is predicated on the catchment area used for the RIA submitted with the planning application for the Lidl discount food store at Barrack Hill, Kinsale under PA Reg. Ref. 090/53009 & ABP 65.236322 which was granted permission by the Board 2010. In relation to the RIA which accompanied that application as detailed in the report of the Planning Inspector referring to appeal case ABP 65.236322 the Retail Impact Assessment defines the catchment population on the basis of a drive time of 10-15 minutes.
- 7.2.5. The first party in response to the matter of the catchment also highlighted that Kinsale is classified as a Ring town in the Development Plan and that as identified in the plan that it serves a wide rural hinterland and has an important sub-county retail function beyond its catchment. In relation the rural hinterland included in the catchment the first party state that rural and coastal areas to the south and east of Kinsale were included in the catchment on the basis that Kinsale is the only significant town serving this area and that is relatively accessible from those areas. The first party

confirmed in their response that the catchment area includes electoral divisions which are within a 15 minute drive and that areas which are principally within the catchment of other areas have been excluded. Therefore, the first party highlighted that the determination of the catchment had regard to the availability of convenience retailing including existing Aldi stores in Carrigaline to the north-east and Bandon to the west and Cork City further to the north-east and that this catchment was considered acceptable by Cork County Council.

- 7.2.6. As detailed in the RIA the defined catchment is based on a 15 minute drive with an estimated population of 18,731. Within the defined catchment there is a Supervalu and Lidl and a number of smaller convenience stores. I note that the point made by the appellants that the population of the catchment area would have increased based on the preliminary figures from the 2022 Census. Having regard to the case provided by the first party in relation to the establishment of the catchment I consider that it is based on sound assertions in relation to the geographical catchment within a 15 minute drive and also having regard to the catchments of neighbouring town such as Carrigaline and Bandon. Furthermore, on the basis that the catchment is in line with that used in relation to the RIA submitted with the Lidl application at located at Barrack Hill, Kinsale I am satisfied the catchment area used in the RIA is justified.
- 7.2.7. Regarding the potential retail impact, it is submitted in the appeal that that Kinsale is more than adequately served by existing convenience and comparison outlets. The appellants state that the town plan does not identify any specific deficiencies in the existing retail provision as it identifies that Kinsale has ‘a strong convenience retail base and a good range of comparison services’. Section 1.5.45 of the Plan identifies that currently the main convenience anchor stores are provided by Supervalu, Eurospar, Centra and Lidl which are located at the edge of the town centre outside of the core retail area. It is identified in the RIA that the immediate catchment area has circa 4,549sq m of convenience retail floorspace.
- 7.2.8. The appeal states that the total available convenience goods expenditure attributed to residents in the catchment area is €61,134,858 which is significantly less than the amount which the applicant estimated at €79,400,709 for 2023. It is highlighted in the appeal that the RIA adjusts the assumed turnover ratio/sales density for ‘discount floorspace’ a figure of €9,5000. They highlighted that section 4.11.1 of the Retail Planning Guidelines, 2012 states that “the distinction between ‘discount stores’ and

other convenience goods which was contained in the 2005 Retail Planning Guidelines no longer apply.” Therefore, in calculating the capacity for additional net convenience floorspace the standard sales net density should be applied irrespective of the ‘Discount Foodstore’ status. Therefore, the appellants submit that the proposed development would deliver an excess of the minimum requirement in the town and hinterland and would result in an overprovision of convenience retail floorspace in Kinsale which would pose a serious negative economic effect on the local businesses in the town.

- 7.2.9. In response to these matters concerning the capacity for additional retail floorspace within the catchment the first party highlighted that the RIA dated June 2022 which was submitted with application followed a standard and accepted methodology to determine the nature and extent of retail expenditure and floorspace demand in the catchment. The first party highlighted that the RIA was accepted by the Planning Authority and that the data used is based on the latest available information published within the Metropolitan Cork Joint Retail Strategy 2013 to establish a per capita expenditure estimate for the defined catchment area. The Metropolitan Cork Joint Retail Strategy 2013 assumes that there would have been no growth in convenience expenditure from 2011-2013. A growth rate of 2% per capita is assumed from 2013-2016 increasing to 3% between 2016-2022. It was assumed in the RIA that there is no growth in convenience expenditure in the design year of 2023.
- 7.2.10. In relation to the potential convenience retail expenditure in the catchment in 2023 this is set out in the RIA as €71,460,709 and this takes into consideration online/home deliveries. Regarding the proportioning of sales density ratios in respect of the catchment I would note that this is not straightforward on the basis that Kinsale is outside the Metropolitan joint Retail Study area.
- 7.2.11. Table 6 of the RIA identifies that there is sufficient capacity for the proposed development in the catchment area in 2023 to accommodate the proposal with an additional spare capacity of 7,755sq m. This is on the basis that all expenditure is retained in the catchment including a 10% allowance for online shopping. The proposed Aldi store comprises an additional 1,315sq m net retail floorspace. The proposal can be supported by the potential available capacity in the catchment.

- 7.2.12. The first party in response to the potential impact of the proposed development on the existing retail provision highlighted that the RIA identified and assessed the existing convenience retail stores in the catchment and the likely impacts of the proposed floorspace on their vitality. Section 6.4 of the RIA refers to the estimation of turnover of existing stores potentially affected by the new development in the catchment. The estimated market share of the existing retailers is detailed on table 8 of the RIA. This sets out the turnover in 2023 for Smith's Supervalu of €20,196,000, Lidl €10,003,500, other convenience stores in the catchment €8,300,000 and Internet shopping €7,940,000. Retail leakage of €32,961,139 was estimated this represents 41.5%. Therefore, based on this market share data there is sufficient expenditure within the catchment to support the proposed development without impact on these existing stores.
- 7.2.13. As detailed in table 8 of the RIA there is an existing 41.5% of retail leakage from the catchment. In relation to the matter of convenience trade diversion table 10 in the RIA sets out that the retail impact of the proposed Aldi store is that 37.9% clawed back entirely from leakage outside the catchment and 15.73% of market share. Accordingly, the proposed Aldi convenience store proposal is not likely to generate a material level of retail impact on Kinsale town centre or existing centres within the catchment area.
- 7.2.14. Accordingly, having regard to the details set out above I would accept that the increase in convenience floor space in the catchment is justified.

7.3. Impact on residential amenity

- 7.3.1. The observations to the appeal refer to noise impact from the servicing area and the movement of HGV's.
- 7.3.2. The application was accompanied with a Noise Impact Assessment prepared by Malone O'Regan Environmental. It was concluded that predictions based upon measured car park traffic noise indicate that noise arising from the proposed development will be below typical noise limits for commercial properties and that the noise arising from the proposed development during the operational phase will be at or below the current $L_{A90(15 \text{ minute})}$ background levels recorded during a site survey conducted by Malone O'Regan Environmental.

- 7.3.3. As part of the request for further information the applicant was required to address the issue of noise and HGV vehicles. Specifically, the Planning Authority sought that noise details be provided in respect to reversing HGV vehicles together with a fuller description explaining how/why the levels change and retaining walls would help mitigate operational noise. In response to this the applicant confirmed that the HGV reversing manoeuvres would be for a period of less than two minutes and including the reversing alarm at the highest predicted value that it would be within the existing ambient sound range at the closest receptor. The report of the Planning Officer on foot of the further information response noted that they were satisfied that the proposed retaining wall would serve to mitigate and reduce the level of operational noise. They also noted that the Council Environment Officer had no further comments in relation to noise.
- 7.3.4. Regarding the matter of noise generated by HGV vehicles servicing the premises I note that the Planning Authority did attach condition no. 17 which requires that noise levels shall not exceed set limits between set hours. Accordingly, I would recommend that should the Board decide to grant permission that a condition be attached in relation to compliance with noise limits in order to ensure the protection of the residential amenities of property in the vicinity of the site.
- 7.3.5. The matter of the proposed retaining wall and potential instability of the slope below the existing properties of the observers is raised in the observations to the appeal. I note that this issue was raised in the observations to the application. Downs Associates Consulting structural and Civil Engineers provided a response to the Planning Authority in relation to the concerns raised by residents of properties on Barrack Street regarding the construction of an earth retaining boundary wall. They confirmed that they are providing the civil and structural engineering design services to Aldi Stores (Ireland) Ltd. for the project. They confirmed that they fully considered the design and construction of the rear boundary wall and that they have ensured that the safe construction of the wall will be wholly within the Aldi site. They highlighted that a preliminary design solution for the retaining wall has been developed with the input of a specialist geotechnical engineer based on geotechnical site investigation carried out on the site.
- 7.3.6. Furthermore, that the final details of the retaining wall and its construction will be subject to further detailed design consideration by Downs Associates in conjunction

with the specialist geotechnical engineer. They confirmed that the design will be carried out in accordance with the applicable codes of practice and standards using construction techniques to avoid destabilisation of the existing slope and the structures outside the boundary.

- 7.3.7. In relation to the proposed retaining wall I note that the Planning Authority did not attach a specific condition referring to its construction. Accordingly, having regard to the details provided by Downs Associates in respect of the design, location and construction of the retaining wall, I am satisfied that the matter does not need be further addressed by condition.

7.4. Design and visual impact

- 7.4.1. The grounds of appeal raised the matter of the design of the scheme. It is stated that the design is contrary to the established character of the area and that it does not provide for a distinctive sense of place. It is contended that the design of the store is generic and that it has not been adapted to assimilate, that the design is not in accordance with key principles of the Retail Planning Guidelines and the Development Plan in relation to the provision of active frontages. It is outlined in the appeal that Section 1.5.46 of the Plan identified that any future proposals on the subject site will need to create active frontages onto the street, deliver a high quality public realm and provide links to the town centre and adjacent residential areas.
- 7.4.2. As part of the further information the Planning Authority requested that the applicant address a number of design issues. Firstly, they requirement that in order to preserve and enhance the visual amenity of the adjacent public road and laneway that an alternative retaining wall system should be investigated. Secondly, they required that 3D photomontages of the proposed development to be submitted as taken from New Road, at the junction of the proposed car park entrance capturing the front limestone clad gable.
- 7.4.3. In respect of these design matters I note that a green terramesh retaining wall is proposed and that photomontages were prepared by GNET. In relation to the matter of the design of the frontage onto New Road, I note that the proposed retail building to the northern section of the site features windows which address the road and in relation to the proposed Aldi store that the front (east) elevation also contains

fenestration. Existing planting is proposed to be retained where possible and this will serve to assimilate the development into the site. Having regard to the topography of the site, I would note that the specific constraints relating to the change in ground levels on the site have informed the siting and design of the proposed Aldi store.

- 7.4.4. The first party in response to matter of design and visual impact stated that the design, size, scale, massing and integration of the proposed development into the surrounding area has been carefully considered and it was revised in accordance with the Council requirements. A response was submitted by Deady Gahan Architect and a Landscape & Visual Impact Assessment prepared by Cunnane Stratton Reynolds.
- 7.4.5. The submission from Deady Gahan in response to the design of the scheme stated that the elevations of the buildings have been broken up in terms of materials, height and elevational form to remove any monolith feel to the streetscape. They highlighted that the Aldi store has been set back from the road to maintain the existing mature vegetation strip and stream that aids in the integration of the building to its surroundings. They submit the scheme has been designed so that it meets the criteria set out in the Objective KS-T-02 which refers specifically to the site. They submit that as demonstrated on the plans, elevations and 3d montages, the building nestles into difficult terrain perfectly, sets a tone for the town of the modern contemporary building whilst having respect for the surrounding topography of the site and environmental impact such a development could have on the site.
- 7.4.6. Furthermore, the first party highlighted that the design of the proposal was accepted by the Planning Authority. In relation to the Landscape and Visual Impact Assessment prepared by Cunnane Stratton Reynolds it was concluded that the landscape effect resulting from a medium landscape sensitivity and a medium magnitude of change is considered to be moderate. The development will change the character of the greenfield site itself while not radically altering local landscape character and that qualitative landscape effect is considered to be beneficial. In relation to visual effects it was concluded that with the proposed development carried out it was found to be either low or moderate and that the site has the capacity to accommodate the development without adverse visual effects.

- 7.4.7. The Planning Authority in response to the appeal highlighted that a site-specific design appropriate to the surroundings and it complies with the requirements of the specific zoning objectives. They noted that the design is at least the equivalent of the appellants Supervalu store and is located outside the main heritage interest of the town and outside the Architectural Conservation Area. I would concur with the Planning Authority in terms of their assessment of these matters.
- 7.4.8. I have reviewed the photomontages of the scheme, elevational drawings and the Landscape & Visual Impact Assessment, and having regard to the details set out above, I am satisfied that the proposed development can be satisfactorily integrated into the area and that it would not unduly impact upon the visual amenities of the area.

7.5. Traffic Impact and access

- 7.5.1. The grounds of appeal refer to impacts of the proposed development in terms of traffic generated. The appeal notes that two new access points are proposed to install off New Road concerns is expressed that this would result in an unacceptable intensification of traffic volumes and movements and would in a traffic hazard.
- 7.5.2. The grounds of appeal raise the matter of accessibility and connectivity to the town centre, and it also refer to the mode of transport which would be used to access the site and they consider that the proposal is effectively car based development and that there is an absence of public transport to serve the scheme. The appeal also raises issues referring to the Traffic and Transport Assessment submitted with the application specifically in relation to the number of trips the development would generate and road safety issues including the absence of a Road Safety Audit.
- 7.5.3. In relation to the vehicular access arrangements two separate new accesses are proposed to serve the scheme off New Road. To the northern end of the site a vehicular entrance is proposed to serve the single-storey retail building with 6 no. car parking spaces. To the southern end of the site the vehicular access to serve the Aldi food store is proposed. A Traffic and Transportation response to the third party appeal was prepared by TPS M Moran & Associates Traffic and Planning Consultants. It is stated in the report that suitable site access can be provided off New Road (R605) to serve the Aldi food store development and the proposed

adjacent retail unit and that both the access points would comprise simply priority T junctions incorporating raised platforms which would serve to further enhance the existing traffic calming measures in the area.

- 7.5.4. The proposed site entrance as indicated on the Site Layout Plan Drawing No: 16068/P2/003 - Rev 2 there is sight distance of 49m provide in both directions at the entrance with a setback distance of 2.4m which in accordance with section 4.4.5 of Design Manual for Urban Roads and Streets (DMURS).
- 7.5.5. A Traffic and Transport Assessment (TTA) was undertaken by TPS M Moran & Associates Traffic and Planning Consultants was submitted with the planning application. The proposal comprises an Aldi food store with 102 no. customers parking spaces at surface level and associated service area and a 226sq m commercial unit with 6 no. car parking spaces.
- 7.5.6. As detailed in the TTA the peak trips associated with the Aldi food store occur between 1100hrs and 1200hrs. Table 5 in the TTA details that during the peak hours a total of 115 inbound and 115 outbound movements would be generated. It is set out in the TTA that only 30% of these trips would be new to the network and that 70% of these trips exist and are already on the adjacent road network. PICADY modelling was used to assess the impact of the proposed development on the junction of the Aldi site and the New Road. The modelling indicated that the New road at the junction with the Aldi supermarket can accommodate the traffic growth at 2024 and 100% of the projected trips associated with the proposed Aldi food store. During the PM peak traffic period the proposed Aldi store access junction experiences almost free flow traffic conditions with no material queuing projected at this junction. There is projected to be operating reserve capacity of over 80% during the critical peak traffic period in 2024. It is concluded in the TTA that the proposed site access can more than accommodate the traffic associated with the existing land use and traffic associated with the proposed development.
- 7.5.7. The Traffic and Transportation response to the third party appeal prepared by TPS M Moran & Associates Traffic and Planning Consultants addresses the grounds of appeal. In relation to the methodology used within the Traffic Impact Assessment they note that it has been approved by the engineering experts in the Roads and Transport Section of Cork County Council. Regarding the matter of a safety audit

they stated that the proposed access arrangements to the Aldi development site and also the adjacent retail development proposed as part of the scheme have been designed to fully incorporate the principles set out in DMURS. It is also noted that Cork County Council did not require a road safety audit to be undertaken and that it is standard for Aldi to have such an audit included as part of a health and safety compliance prior to the store being opened. Therefore, they suggest that should the Board decide to grant permission that they could consider the attachment of a condition requiring that the attachment of a condition requiring that the findings of the Aldi Road Safety Audit be submitted to the Planning Authority.

- 7.5.8. In relation to the proposed car parking a total of 102 no. car parking spaces were originally proposed. The Development Plan requirement as per table 12.6 sets out that a maximum of 1 space per 20sq m of gross floor area for a convenience store. The proposed floor area of the Aldi convenience store is gross floor area of 1,819sq m. Accordingly, it would require a maximum of 91 no. car parking spaces. As per the further information and clarification of further information the applicant was requested to consider the omission of spaces 59 and 60 to improve vehicular movements. In response to the matter the overall number of car parking spaces proposed has been reduced from 102 no. spaces to 93 no. spaces which include 9 no. parent and child, 4 no. disabled parking spaces and 4 no. electric vehicle charging spaces. This is marginally above the development plan requirement, and I note that the Planning Officer and the Area Engineer were satisfied with the revised proposals which provided for improvements to vehicular circulation within the scheme.
- 7.5.9. In relation to vehicular deliveries, it is detailed in the TTA that the store will be serviced on a daily basis by one-two articulated delivery vehicles which operate from the Aldi distribution centre at Mitchelstown, Co. Cork. The service area is proposed to the rear of the building and the design and layout provides that delivery trucks would reverse into the loading bay. I note that the design and location of the service area were considered acceptable by the Planning Authority. The Planning Authority in their decision to grant permission did not include a condition specifying the requirement of a safety audit.
- 7.5.10. The grounds of appeal refer to the pedestrian and cycle facilities and connectivity to the town centre and also the lack of public transport accessibility. The appeal response includes a report prepared by TPS M Moran & Associates Traffic and

Planning Consultants addresses these issues. In response to the matter of public transport, they state that the provision of public transport facilities for customers food shopping is limited. They highlighted that the nearby Supervalu stores does not have any dedicated public transport arrangements. They suggest that a dedicated bus stop could be provided on the northbound carriageway of New Road adjacent to the Aldi site frontage and a similar bus stop could be provided adjacent to the southbound carriageway of New Road. In relation to existing bus services I note that while the town is served by a number of bus routes including 226, 228, 253 and 254 which link Kinsale to Cork City, Clonakilly and Bandon these are intra urban routes rather than routes specifically serving Kinsale itself and therefore the provision of bus stops as suggested would perhaps be premature until such time as a dedicated serve for the town itself is available.

- 7.5.11. Regarding pedestrian connectivity the first party in their response takes issue with the assertion that the site is only serviced by poor/narrow footpaths on one side of the road. They highlighted that the appeal site is located approximately 300m to the north of appellant's site containing the Supervalu store. They noted that there is a continuous footpath is located on the eastern side of the New Road. The pedestrian crossing traverses the road at a point where the footpath travels further north and north-west towards Barrack Street. In relation to the matter of road safety on New Road they highlighted that layout includes a series of solid islands with crossing hatched and road markings located to the north and south of the pedestrian facility and that the pedestrian crossing incorporates tactile paving and dropped kerbs for vulnerable road users. It is also highlighted that there are double yellow lines are located along both side of New Road which restricts parking.
- 7.5.12. To the south of the Supervalu store on New Road there is a continuous footpath on the western side of the road which links into the town centre. The response from TPS M Moran & Associates Traffic and Planning Consultants stated that where there is no footpath all pedestrians cross to the opposite footpath adjacent to New Road within the dedicated pedestrian crossing facilities which are located at intervals along New Road. Furthermore, they highlighted that the upgrading of the existing laneway between Barrack Street and the New Road which is part of the proposed scheme will not only facilitate its use by Aldi non car borne shoppers but also other pedestrians using this link. Accordingly, I consider that the site is adequately served by existing

pedestrian facilities and that the upgrading of the laneway between Barrack Street and the New Road will further improve pedestrian facilities in the area.

- 7.5.13. In conclusion, I consider that traffic impact associated with the development will be limited and consider that the proposal can be accommodated within the existing local road network. I consider that the principle of the proposed access arrangements are acceptable.

7.6. Surface water and flooding

- 7.6.1. The grounds of appeal raise the matter of the flood risk. It is highlighted that there was historic flooding at the Supervalu site this is detailed extensively in the grounds of appeal. Concern was expressed at the absence of information in relation to flood risk and in relation to the design of the proposed surface water drainage system to serve the development and that the proposal to culvert the stream would result in significant flood risk. It is highlighted that the Council established that surface water upgrades are required for Kinsale. Therefore, the appellant submits that the proposed development is premature pending upgrades to the surface water drainage network.
- 7.6.2. Regarding flood risk, having regard to the Development Plan map of Kinsale contained in Section 1.5 of Volume Five of the Cork County Development Plan 2022-2028, Flood Zone A and Flood Zone B is indicated on the map. I note that the appeal site is not located within an area which is identified as liable to flooding. The first party in their response stated that the contention that “there is a significant gap in the application material” is without substance. The information submitted with the application regarding flood risk assessment and management is appropriate, comprehensive and complies with the current Flood Risk Management Guidelines and Cork County Council’s development standards. They highlighted that a Specific Flood Risk Assessment was prepared by Downes Associates and accompanied the planning application when it was lodged on 1st July 2022.
- 7.6.3. The Water Services Planning Report prepared by Downes Associates and dated June 2022 which was submitted with the application includes a site specific flood risk assessment. The conclusion from the appraisal undertaken as part of the flood risk assessment was that having regard to the fact that the site is elevated to and far

removed from the lands to the south and north which are susceptible to flooding and therefore there is no risk of fluvial or tidal flooding. The site is considered to be in flood zone C an area subject to low probability of flooding. It is concluded in the assessment that the proposed surface water management to serve the development will mitigate potential for on and off site flooding.

- 7.6.4. In response to the specific flooding which occurred at the appellant's store the first party noted that while the location of the Supervalu store is circa 300m from the appeal site the locations are not directly comparable in relation to the setting and context. The Supervalu store is at approximately 5-10m OD compared to the applicant's site which is at 25-30m. They submit that the implementation of SuDs shall not result in any intensification of the current greenfield runoff from the Applicant's site to the watercourse and therefore shall not increase the risk of flooding downstream.
- 7.6.5. The Planning Authority in their appeal response provided further context regarding the circumstances of that cited flood event. They stated that the primary reason that the Supervalu store was flooded in December 2015 was because a drainage gate was obstructed. They also stated that the Council's Engineers have confirmed that since this event occurred that remedial works have been undertaken and there is now a weekly maintenance regime in place aimed at preventing any future flood occurrence. In relation to the matter of flooding the Planning Authority in their response reiterated that the site is not identified as being within a zone identified as being susceptible to flood risk in the County Development Plan 2022.
- 7.6.6. The Planning Authority in their assessment of the surface water drainage proposals sought further information in relation to a number of issues. The Planning Authority were satisfied with the proposals for the supermarket building including the incorporation of a green roof on the including the proposed instream works. The reliance on underground attenuation was raised and the applicant was requested to use more water conservation proposals specifically tree pits and rain gardens. The applicant was also requested to clarify the matter of instream works.
- 7.6.7. The response provided from Downes Consulting Engineers confirmed that no instream works will be required as the proposed two culverts will be designed using three-sided precast concrete culverts. The applicant was also required to provide

design details of the proposed SuDs Tree Pits to be installed in the car park. They confirmed in the response that the tree pits are not part of the SuDs conveyance system for the treatment and disposal of surface water runoff. The proposed surface water drainage system as detailed on Drawing no: 5001 Rev P03 submitted with the clarification of further information includes an attenuation tank, klargester bypass separator and hydrodynamic vortex separator. The Planning Authority in response to the appeal stated that the application was assessed by the Council Engineers, and that it is in accordance with the Section 'Water Sensitive Urban Design' as set out in the County Development Plan 2022

- 7.6.8. Accordingly, I conclude that having regard to the Site Specific Flood Risk Assessment and surface water drainage details, submitted with the application, that the proposed development would not result in displacement of fluvial floodwaters, would not result in an adverse impact to the hydrological regime of the area nor an increase in flood risk elsewhere. The proposed development would therefore be acceptable in terms of flood risk in the area.

7.7. Other Issues

Validity of the application

- 7.7.1. The matter of the validity of the application was raised in the appeal. It was stated that elements of the proposal relate to transport on the public road and outside of the subject site's red line boundary. Specifically, the appeal refers to the 2 no. raised tables at the entrances with pedestrian crossings and it stated that the works could not be implemented on foot of the subject application with a grant of permission. It is stated in the appeal that a letter of consent from Cork County Council has not been provided for the portion of works proposed to the laneway.
- 7.7.2. In response to the matter the first party stated that the validity of the application was and questioned in relation to the provision of raised tables outside the applicant's red line boundary. It is highlighted to the Board that these raised tables would be provided by the applicant during the construction phase of the proposed development under licence from Cork County Council and that this is standard procedure in relation to road upgrade works. I would note that this approach is a standard approach.

- 7.7.3. Furthermore, I note that as part of the further information the Planning Authority required that the applicant provide confirmation that they have sufficient legal control over the site area outlined in red. In response the applicant confirmed that they have purchased the site except for the laneway which remains in the control of Cork County Council.
- 7.7.4. Accordingly, I consider that the applicant has demonstrated that they have sufficient legal interest in the site to carry out the proposed development.

8.0 AA Screening

- 8.1.1. I have considered the proposal the construction an Aldi foodstore, a single-storey retail building and all ancillary works of in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. Accompanying this application is an Appropriate Assessment Screening Report dated 30/6/2022 prepared by Doherty Environmental Consultants Ltd.
- 8.1.3. The following European sites are identified as being in the potential zone of influence of the appeal site. Sovereign Islands SPA (Site Code 004124) is situated 6km to the south-east of the appeal site. Old Head of Kinsale SPA (Site Code 004021) is situated 10.2km to the south of the appeal site. Courtmacsherry Bay SPA (Site Code 004219) is situated 12km to the south-west of the appeal site. Cork Harbour SPA (Site Code 004030) is situated 13.7km to the east of the appeal site.
- 8.1.4. I have provided a detailed description of the development in Section 2.1 of my report and detailed specifications of the proposal are provided in the AA screening report and other planning documents provided by the applicant.

8.2. Potential effect mechanisms from the project

- 8.2.1. In relation to the matter of habitat loss or alteration the proposed development site is not located directly adjacent to any European sites and therefore there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.

- 8.2.2. In relation to the matter of disturbance and/or displacement of species the proposed development does not have the potential to cause a disturbance and/or displacement to species of qualifying interest in the European sites identified within the zone of influence of the appeal site.
- 8.2.3. The proposed development is not considered to have the potential to result in the reduction in the baseline population of species associated with any of the European sites identified within the zone of influence.
- 8.2.4. There is no direct surface water connection between the appeal site and any of the European sites identified within the potential zone of influence. However, in relation to indirect impacts there is a potential surface water pathway via the wider surface water drainage network and there is a potential risk to surface water and ground water arising from contaminants during the construction phase including silt, suspended solids, hydrocarbons and concrete/cement products.
- 8.2.5. In relation to the operational phase in direct effects are not anticipated on the basis that surface water arising at the proposed development will be dealt with on site using an attenuation tank and infiltration system with SuDS elements. Furthermore, based on OPW records there have been no previous floods recorded in the area and flooding therefore is not considered to be an issue at this location.
- 8.2.6. The foul effluent from the proposed development will be discharged to the public sewer on New Road. Due to ground levels and invert levels of the sewer a gravity connection is not feasible. A foul pumping station and pumped rising main is required. The effluent would then drain to the wastewater treatment plant for Kinsale. In relation to the capacity of the treatment plant, the Infrastructure Report prepared by and submitted with the application includes in Appendix A – a Confirmation of Feasibility letter from Irish Water. The letter states that wastewater connection is feasible without infrastructure upgrade by Irish Water. Therefore, significant effects in relation to wastewater management arising as a result of the operation of the development on Natura 2000 sites can be excluded.

8.3. **European Sites at risk**

- 8.3.1. In relation to the Natura 2000 sites are identified as being in the potential zone of influence of the appeal site. Sovereign Islands SPA (Site Code 004124) is situated

6km to the south-east of the appeal site. Old Head of Kinsale SPA (Site Code 004021) is situated 10.2km to the south of the appeal site. Courtmacsherry Bay SPA (Site Code 004219) is situated 12km to the south-west of the appeal site. Cork Harbour SPA (Site Code 004030) is situated 13.7km to the east of the appeal site. Seven Heads SPA (Site Code 004191) is situated 16km to the south-west of the appeal site.

- 8.3.2. In determining whether there is a potential for significant effect on any European Sites it is necessary to establish qualifying interest features at risk. In relation to Sovereign Islands SPA (Site Code 004124) the species of qualifying interest is Cormorant. The conservation objective is a generic conservation object to maintain or restore the favourable condition of the bird species listed as Special Conservation Interest for this SPA. In relation to a pathway connection, it is identified in the AA screening that the mean foraging distance of breeding cormorant is circa 5km. The SPA is located circa 6km off the coast and it is separated from the appeal site by coastal waters. It is noted that the breeding population of Cormorant supported by the SPA rely upon coastal waters within a 5km radius of Sovereign Island and that the appeal site and the outfall of the project site's surface water emission pathway to Kinsale Harbour are located outside the 5km coastal waters foraging zone for this species. Therefore, there would be no potential for the proposal to result in a negative influence on the foraging habitat relied upon by the Cormorant.
- 8.3.3. In respect of Old Head of Kinsale SPA (Site Code 004021) the species of qualifying interest are Kittiwake and Guillemot. The conservation objective is a generic conservation object to maintain or restore the favourable condition of the bird species listed as Special Conservation Interest for this SPA. In relation to a pathway connection, it is identified in the AA screening that for both Kittiwake and Guillemot that the foraging range is less than 5km. The appeal site and the outfall of the project site's surface water emission pathway to Kinsale Harbour are located outside the 5km coastal waters foraging zone for these species. Therefore, there would be no potential for the proposal to result in a negative influence on the population of breeding Kittiwake and Guillemot in the SPA.
- 8.3.4. In respect of Courtmacsherry Bay SPA (Site Code 004219) the species of qualifying interest are Great Northern Diver, Shelduck, Wigeon, Red-breasted Merganser, Golden Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew,

Black-headed Gull, Common Gull and Wetland and Waterbirds. I note that the status of the conservation objective of each of the species of qualifying interest is to maintain the favourable conservation condition. In relation to a pathway connection, it is identified in the AA screening that the winter foraging distance for the species associated with this SPA is less than 10km. The appeal site and the outfall of the project site's surface water emission pathway to Kinsale Harbour are located outside the core foraging zone of these species. Therefore, there would be no potential for the proposal to result in a negative influence to the status of the overwintering populations supported by this SPA.

- 8.3.5. In relation to Cork Harbour SPA (Site Code 004030) the species of qualifying interest are Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern and Wetland and Waterbirds. I note that the status of the conservation objective of each of the species of qualifying interest is to maintain their favourable conservation condition which is subject to specific attributes and targets.
- 8.3.6. In relation to a pathway connection, it is identified in the AA screening that the mean winter foraging distance for the species associated with this SPA is less than 10km. The appeal site and its associated outfall to Kinsale harbour are located outside the core foraging zone of these species. Therefore, the potential for the proposal resulting in a negative influence to the status of the overwintering populations supported by this SPA is ruled out.
- 8.3.7. In relation to Seven Heads SPA (Site Code 004030) the species of qualifying interest is Chough. The status of the conservation objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. It is identified in the AA screening report that the foraging distance of choughs from breeding sites and coastal breeding territories is within less than 1km of the coast. Therefore, having regard to the location of the appeal site relative to this SPA there is no pathway connection and it is outside the zone of influence.

Table 1.

Effect mechanism	Impact pathway/Zone influence	European Sites	Qualifying interest features at risk
Surface water pollution	the outfall of the project site's surface water emission pathway to Kinsale Harbour are located outside the 5km coastal waters foraging zone for this species and therefore no pathway and outside zone of influence	Sovereign Islands SPA	None
Surface water pollution	appeal site and the outfall of the project site's surface water emission pathway to Kinsale Harbour are located outside the 5km coastal waters foraging zone for these species and therefore no pathway and outside zone of influence	Old Head of Kinsale SPA	None

Surface water pollution	appeal site and the outfall of the project site's surface water emission pathway to Kinsale Harbour are located outside the core foraging zone of these species and therefore outside zone of influence	Courtmacsherry Bay SPA	None
Surface water pollution	The appeal site and its associated outfall to Kinsale harbour are located outside the core foraging zone of these species outside zone of influence	Cork Harbour SPA	None
Surface water pollution	No pathway and outside zone of influence	Seven Heads SPA	None

8.4. Likely significant effects on the European sites alone

- 8.4.1. In relation to Sovereign Islands SPA as set out above the appeal site is located outside the zone of influence and accordingly and in the absence of a pathway connection there would be an absence of influence to the SPA. Accordingly, the proposal would have no likely significant effect 'alone' on the qualifying feature of Sovereign Island SPA (Site Code 004124).

- 8.4.2. In relation to the Old Head of Kinsale SPA as set out above the appeal site is outside the zone of influence and accordingly, and in the absence of a pathway connection there would be an absence of influence to the SPA. Accordingly, the proposal would have no likely significant effect 'alone' on any of the qualifying features of Old Head of Kinsale SPA (Site Code 004021).
- 8.4.3. In relation to the Courtmacsherry Bay SPA as set out above the appeal site is outside the zone of influence and accordingly, and in the absence of a pathway connection there would be an absence of influence to the SPA. Accordingly, the proposal would have no likely significant effect 'alone' on any of the qualifying features of Courtmacsherry Bay SPA (Site Code 004219).
- 8.4.4. In relation to the Cork Harbour SPA as set out above the appeal site is located outside the zone of influence and accordingly, and in the absence of a pathway connection there would be an absence of influence to the SPA. Accordingly, the proposal would have no likely significant effect 'alone' on any of the qualifying features of Cork Harbour SPA (Site Code 004030).
- 8.4.5. In relation to Seven Heads SPA as set out above the appeal site is located outside the zone of influence and accordingly, and in the absence of a pathway connection there would be an absence of influence to the SPA. Accordingly, the proposal would have no likely significant effect 'alone' on the qualifying feature of Seven Heads SPA (Site Code 004191).

8.5. In combination effects

- 8.5.1. In combination effects can be ruled out on the basis that all elements of the proposal are located outside the zone of influence of European sites in the wider and surrounding area and are not connected to European sites via any potential impact pathways and there will be no potential for the proposal to combine with other land use plans or projects.

8.6. Overall Conclusion – Screening Determination

- 8.6.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either

alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

8.6.2. This conclusion is based on:

- Objective information presented in the Screening report
- Standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same.
- Distance from European Sites.
- The absence of meaningful pathway to any European site.

8.6.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

9.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

10.0 Reasons and Considerations

10.1.1. Having regard to the provisions of the Cork County Development Plan 2022 – 2028 Volume 5 (West Cork) and Section 1.5 which refers to Kinsale, and in particular the ‘Town Centre/Neighbourhood Centres’ zoning objective and the provisions of Objective KS-T-02 which seeks to facilitate the development of the subject lands to provide town centre uses where schemes relate positively to the street, create active frontages, avoid blank facades and development creates a high quality public realm, to reflect the “gateway” nature of the site, and the relevant provisions of the Retail Planning Guidelines for Planning Authorities and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the character and

amenities of the area would not seriously injure the residential amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of October 2022 and the 13th day of January 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety.

4. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity

5. Prior to the commencement of development on site, the Japanese Knotweed shall be removed from the site in accordance with the Invasive Alien Species Management Plan submitted to the planning authority on the 13th day of January 2023.

Reason: In the interest of the control of invasive species.

6. No additional signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: In order to protect the visual amenities of the area.

7. The proposed unit shall not be open to the public outside the hours 0800 to 2200. Deliveries shall not take place before the hour of 0700 Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200hrs on any day.

Reason: In the interests of amenity.

8. 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.

9. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

Reason: In the interests of amenity and public safety.

11. 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 amenity.

12. Water supply and drainage arrangements, including the disposal of surface

water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interests of public health.

13. The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the

planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

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

Reason: In the interest of sustainable waste management.

16. The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.

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

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

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

19. 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.

Siobhan Carroll
Planning Inspector

19th July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 315994-23		
Proposed Development Summary	Construction of single storey supermarket, with all associated site works.		
Development Address	New Road & Barrack Street, Townplots, Kinsale, Co.Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	10. Infrastructure projects, (b) (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development	Supermarket at an edge of town centre location with standalone car parking of 102 no. spaces on a site of 1.076 hectares
			Conclusion
			No EIAR or Preliminary Examination required

		And (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.	Scale of car parking development is less than 400 spaces, on a site of 1.076 hectares outside of the business district area.	
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____

Date: _____