



An  
Bord  
Pleanála

## Inspector's Report ABP-319058-24

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|-------------------------------------|--|
| <b>Development</b>                  | Retail space for convenience store, cafe and associated site works.                  |
| <b>Location</b>                     | Former Glanbia Site, Richard A. Walsh Street, Dungarvan, Co. Waterford.              |
| <b>Planning Authority</b>           | Waterford City and County Council  |
| <b>Planning Authority Reg. Ref.</b> | 2360555  |
| <b>Applicant(s)</b>                 | Shane Houlihan   |
| <b>Type of Application</b>          | Permission.  |
| <b>Planning Authority Decision</b>  | Grant  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Hollybush Properties Unlimited.<br>International Investment ICAV<br>Property Fund 2. |
| <b>Observer(s)</b>                  | None.  |
| <b>Date of Site Inspection</b>      | 2 <sup>nd</sup> September 2024   |
| <b>Inspector</b>                    | Jennifer McQuaid   |



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## **1.0 Site Location and Description**

- 1.1. The proposed site is located adjacent to Dungarvan Town Centre core and to the rear (north) of Dungarvan Shopping Centre. The site area is noted as 1.49 hectares and is currently a brownfield site. (During the site visit, the site was being used for a seasonal amusement park). The site fronts onto Richard A. Walsh Street, L-2060, John Treacy Road (L-3147) is located to the west.
- 1.2. Dungarvan Cinema and a mixed-use development, Dun Aoibhinn form the eastern and northeastern boundary, Eir Building and associated compound, Waterford City and County Council and Glanbia sites form the northern boundary, and the western boundary adjoins Currans Hardware with Aldi further west. The site is outside of the town centre core zoned lands and outside of the core retail area as defined by Waterford City and County Development Plan 2022-2028.

## **2.0 Proposed Development**

- 2.1. The proposed development relates to the development of c1.49ha located on the former Glanbia site. The proposed development will consist of:
  - The construction of 1-2 storey anchor convenience and comparison retail store.
    - Including c2,319sqm net retail sales area, c1,455sqm of house/storage/office-administration, café of c.155sqm
  - Provision of surface car park 165 spaces and bicycle parking
  - Replacement of existing site access from Richard A Walsh Street with a new vehicle entrance for customers and service/deliveries
  - Provision of ESB sub-station/switch room, roof PV panels, signage (including totem sign), landscaping, boundary treatment
  - All associated site works and service provisions.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 21 conditions.

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

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

The Planning Authority report addresses the following issues:

- Principle of development is an area with zoning objective Regeneration and Opportunity Site Objective DTOS01.
- Design and layout of the proposal.
- Retail impact assessment.
- Service connections & SuDs Strategy.
- Traffic Impact Assessment.
- Flood Risk assessment.
- Landscaping.
- Development contributions.
- Previous refusal reasons addressed.

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

- District Engineer – No potential flood risk, clarity required on how the existing storm water network connects to the proposed storm network, special contribution for upgrade of roadway alongside development, Traffic Impact Assessment submitted, and Road Safety Audit submitted, sightlines of 45m and setback 2.4m are required to be demonstrated.
- Environment – Construction and Demolition Resource Waste Management Plan required prior to commencement, ensure adequate storage for waste

and recycling, and other standard requirements in relation to waste, grease trap, designate area for bring centre, noise levels.

### 3.2.3. Conditions

- Condition 5 – pre-development archaeological testing
- Condition 9 – survey of underground storm water drains including historic culverts.

### 3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage recommend an archaeological condition is attached.

### 3.4. Third Party Observations

Third party submissions were received from Hollybush Properties Unlimited c/o Kathy McNally, Brock McClure Planning & Development Consultants and International Investment ICAV Property Fund 2 c/o Stephen O'Dea, O'Dea and Moore Architects. The concerns raised were similar in both and are as follows:

- The proposal is a repeat application of planning reference 22827 and fails to address the previous refusal reasons.
- Proposal does not comply with Waterford City and County Development Plan 2022-2028; or site-specific zoning objective DTOS01 and the proposal does not realise the full potential of the town centre site.
- Applicant proposes to include a 32-bed apart hotel; however, Irish Water have confirmed there is no capacity, therefore the proposal is premature and piecemeal and contravenes the Development Plan.
- Retail Strategy suggests further convenience development may be suitable in Dungarvan but only in the Town Centre, this site is not designated as Town Centre.
- The proposal will provide for a blank façade.
- Dungarvan is adequately served with 12 outlets within 1km of the site.

- Road Safety Audit sets out a number of Road Safety “Problems” with the design which have not been addressed in the design. The concerns relate to vehicular safety, road safety, road marking etc.
- The proposal will contribute to congestion in an already congested area particularly at school times.
- Car parking volumes and entrance arrangements and the resultant impacts on Dungarvan Shopping Centre.
- To allow the proposal would represent a missed opportunity to deliver a proper mixed-use development with vibrancy and positive contribution to this area of the town.

## 4.0 Planning History

**22827:** Permission Refused for the construction of an 1-2 storey anchor convenience and comparison retail store. 6 refusal reasons were quoted as follows:

1. Under the Waterford City and County Development Plan 2022-2028 the subject site is zoned Regeneration (RE) with a stated objective to provide for enterprise and/or residential led regeneration. The site forms a substantial part of Regeneration and Opportunity Site DTOS01 which provides for a detailed vision of how careful and considered development of these lands would make a positive contribution to Dungarvan Town. The development as proposed would not deliver a proportionate quality, quantum and mix of uses as set out in the Development Plan, including but not limited to tourism, employment/enterprise, town centre and residential development, relative to the land take of the overall regeneration site. The proposed development would therefore be contrary to the policies and objectives of the Waterford City and County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.
2. In the Waterford City and County Retail Hierarchy Dungarvan occupies Tier 2 (level 1) and performs a Sub Regional Role. The subject site is outside of Dungarvan Town Centre zoned lands and outside of Dungarvan Core Retail Area as defined in the Retail Strategy and is designated as edge of centre.

The Retail Strategy identifies that there is limited capacity for convenience floor space within the City and County Area. The applicant has failed to adequately demonstrate that the quantum of the proposed retail offering, outside of the Dungarvan Core Retail Area, would not undermine the vitality and viability of the Town Centre. The proposed development would therefore be contrary to the provisions of the Waterford City and County Retail Strategy 2020 and contrary to the proper planning and sustainable development of the area.

3. The applicants proposed service access onto Shandon Road/Davitts Quay which will be shared with an existing mixed use development including 20no. apartments, in close proximity to a busy junction/roundabout would give rise to serious concerns regarding the generation of a traffic hazard presenting a direct risk to users of the subject shared access and users of the public road fronting the site including pedestrians. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and would endanger public safety by reason of a traffic hazard.
4. The applicant has failed to demonstrate that the siting of the proposed service yard and the use of same by Heavy Goods Vehicles at off peak times both early in the morning and late at night would not have a direct negative impact on the adjoining residential uses owing to generation of noise/nuisance. The proposed development would therefore be contrary to the preservation of adjoining residential amenities and the proper planning and sustainable development of the area.
5. The applicant has failed to demonstrate that safe access and egress can be provided for the car park of the subject development from Richard A Walsh Street owing to the absence of consideration regarding the T junction to the west and potential conflict between the proposed access and the immediately opposing existing Service Access for Dungarvan Shopping Centre. The proposal fails to demonstrate that the required sightlines and intervisibility can be achieved and maintained both at the access to the development and within the development site such that conflicts do not occur between vehicular movements and pedestrian movements. It is considered that the proposed development would endanger public safety by reason of a traffic hazard.



6. The applicant has failed to submit sufficiently robust considered proposals with regard to site drainage and maintenance of existing drainage/culverts traversing the site. The proposal fails to demonstrate that the proposal will not have an adverse impact on the wider surface water drainage network. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**06510099:** Permission granted for permission on a 1.4 hectare site on part of former Glanbia site. The proposed development will include mixed use of retail, office and residential.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Waterford City and County Development Plan 2022-2028.**

The site is zoned as Regeneration, the objective is to provide for enterprise and/or residential led regeneration. Retail Food/Supermarket is permitted in principle, Retail Comparison is open for consideration. Café is permitted in principle. The site is on the edge of the Town Centre/Core zoned area and Dungarvan Core Retail Shopping Area.

#### **Chapter 2 Spatial Vision & Core Strategy.**

Dungarvan is identified as a Sub Regional Key Town and appropriate level of retail development is described as *Key shopping destination offering a variety of convenience and comparison goods, along with a range of retail and leisure services and some financial and business services.*

Section 2.14.1 Regeneration states: *Across our settlements some scope for regeneration exists and to this end relevant brownfield sites are identified in Appendix 21 with additional sites also identified in Table 3.1. These regeneration sites have been identified for their capacity to deliver regenerative, compact and sequential growth in the larger settlements while in the rural settlements they provide serviced sites as possible alternatives to one-off housing in the open countryside. As also detailed in Appendix 21 there are significant impediments to all these lands coming to market during the lifetime of the Development Plan, including site*

*assembly and displacement of existing uses, and as such it is considered that where these lands come to the market they can be considered as Additional Provisional lands for the purposes of the core strategy.*

## **Appendix 21 Regeneration & Opportunity Sites.**

The site forms a substantial part of Regeneration and Opportunity Site DTOS01 – Glanbia Site and adjacent lands, Davitt's Quay (3.23ha's) – the vision for the site provides for:

- Development on this key strategic underutilised site should provide strong architectural design as a key landmark or gateway to Dungarvan Town.
- Future developments shall comprise a high-quality design, fine grained active frontage blocks providing a strong built edge.
- Any development should be mixed use high density with emphasis on employment, tourism, apartments and town centre uses.
- Any development should address the extensive street frontage along the Davitt's Quay and Walsh Street and be designed to an exceptional standard.
- Any development proposal shall facilitate active linkages through the site from the Shandon Roundabout to Walsh Street (L2060).
- Changes to car parking capacity on the site should be informed by the Local Transport Plan (LTP) for Dungarvan.
- Potential for multi storey car parking.
- Retail development may be appropriate on the site where compliance with the retail strategy can be demonstrated.
- Potential Housing Yield.

**Regeneration Policy objective H 05** – to maximise the efficient use of existing infrastructure and services and promote a positive modal shift towards sustainable transport use, we will facilitate the sustainable, compact, sequential regeneration and redevelopment of urban areas through the appropriate development of identified key infill and brownfield sites as per Table 3.2 and Appendix 21 for a mix of uses appropriate to the location. To assist in this regard, we will carry out a viability assessment for key brownfield sites during the lifetime of the development plan with

a view to assisting in delivery of regeneration projects. Development proposals which are not fully consistent with the provisions of the land use zoning matrix (Volume 2 – DM Standards Table 11.2) will be considered on their own merits where it can be demonstrated that the proposed development is consistent with the “Vision” for the site and is in accordance with the proper planning and sustainable development of the area.

## **Volume 2 Development Management Standards Section 11.6 Vacant Land Levy – Residential and Regeneration Lands**

RE (regeneration) use zonings, as they offer great potential for a relatively significant supply of housing and employment, as set out in their Zoning Objectives.

Furthermore, the Town Centre zoned lands are included given their critical role for sustainable neighbourhoods and wider communities, and to ensure their continued viability and vitality.

### **Development Management Standards DM 14**

#### **Assessment of Development Proposals in Waterford City, other towns and rural settlements**

- Be consistent with the role and function of the particular retail centre as set out in the Development Plan and Retail Hierarchy and accord with the scale and type of retailing identified for that location.
- Accord with the fundamental objective to support the vitality and viability of the retail centre and demonstrate compliance with the sequential approach.  
Provide a detailed retail impact assessment and a transport impact assessment to accompany the application where appropriate.
- Be of a high quality and incorporate layouts that encourage active and engaging frontages where appropriate.
- The design must ensure that the proposed centre will be integrated with, and be complementary to, the streetscape, where it will be located, or in accordance with a detailed urban design framework.
- There shall be a general presumption against large out-of-town retail centres - in particular those located adjacent or close to existing, new or planned national roads/motorways.

- In the context of larger scale developments in our Urban Areas, District/ Suburban and Neighbourhood Centres, while adequate car parking, separate service areas and convenient access by public transport and by walking and cycling from surrounding residential areas are essential elements, these must be supplemented by features that improve the overall attractiveness of the scheme to the public. Such features can include for example: -
  - The ability of the proposal to be adequately serviced in relation to public transport and pedestrian and cyclist access and facilities.
  - Public realm of appropriate scale, design and enclosure.
  - The provision and design of street furniture, e.g., seats, litterbins, cycle facilities.
  - The provision within the overall design of the scheme for public facilities, e.g., toilets, advice centres, and supporting community, civic and cultural uses including health clinics, crèches, theatres, libraries for example.
  - Activities and uses including retail services and restaurant uses that keep the centre alive both during the day and evening.
  - The inclusion of some element of residential uses, particularly apartments, as an integral part of the centre in order to generate evening activity and security of the centre. Provision of residential must be in accordance however with the overall zoning objective for the area.
  - An overall design strategy that helps promote convenience shop variety (by the use of differing shopfronts, plot frontage widths, setbacks, signs etc.) but set within an overarching and cohesive design concept that unites the whole.
  - The design and layout of buildings, together with the robustness of materials used in their construction, should be such as to discourage graffiti, vandalism and other forms of anti-social activity. All unsightly areas, for example service cores, should be screened from surrounding residential areas and from pedestrian corridors within the scheme. Considered screening should form an integral part of any design, but where this is not possible, supplementary tree planting and landscaping will be necessary.

- Considered tree planting, landscaping and overall urban greening measures must, in any event, form an integral part of the general design of any shopping scheme.
- Appropriate Wall Art.

**Chapter 4, Table 4.1 Strategic Employment Locations** – Employment and retail hubs in accessible locations to complement city/town centre and Dungarvan (former Glanbia Site) is mentioned.

## **ECON 01**

We will support and facilitate regeneration, consolidation and growth at strategic employment and nodal locations along strategic public transport corridors, and maximise commercial and employment development opportunities so as to foster more sustainable economic growth, diversity and resilience in accordance with the Core and Settlement Strategies by:

- Providing appropriate and adaptable zoning and use provisions throughout the city and county.
- Maximising the efficiency of zoned lands by advocating for and facilitating the provision, upgrade or refurbishment of necessary and timely supporting infrastructure, sustainable transport opportunities, and utilities.
- Work closely with the Southern Regional Assembly, neighbouring Local Authorities, TUSE, the Chamber's, the IDA and other agencies to build and maintain a shared evidence base and monitoring framework to guide and enable the sustainable growth of our economy and communities.
- Collaborating with government departments and agencies to build our shared bidding expertise and capacity so as to identify infrastructure deficits and opportunities, prepare strong business cases and identify funding sources, to bid, and successfully attract competitive funding which will deliver on the goals of the NPF and RSES and other national strategies that support regional and local authority statutory plans, associated strategies and local economic and community plans.

- Supporting the development of small-scale ancillary services in large industrial and business parks where they do not detract from the vitality and viability of the city or town centres in the subject settlement.
- Favourably considering the redevelopment of brownfield sites and disused agricultural or commercial buildings in urban and rural areas for industrial, enterprise or cultural developments, subject to normal planning considerations.
- Ensuring that significant employment development is located at strategic locations as identified in Waterford MASP, in Table 4.0 and that other new employment generating enterprises base themselves in the city or existing towns, villages and settlement nodes, in proximity to existing infrastructure, services and concentrations of employment.
- Supporting and facilitating a business environment that is attractive, accessible and healthy, and places Waterford City at the forefront of destinations for inward investment in the state and supports its role in the city region as the regional driver of growth.

#### ECON 06 Regeneration

We will facilitate and participate in regeneration projects so as to revitalise under-utilised business parks and industrial estates and promote the regeneration of obsolete and/or under-utilised buildings and lands that could yield economic benefits and/or social enterprise, with appropriate uses, subject to compliance with the policies and development management standards of the Development Plan.

#### **Section 4.12.5 Town Centre First/Sequential Approach**

Where the location of a proposed retail development is in an edge-of-centre or out-of-centre location, a sequential test must be applied in line with the Retail Planning Guidelines. The order of priority for the sequential approach is to locate retail development in town centre core retail areas, on lands zoned M2/M5 or within areas identified as town centre on settlement maps, and only to allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted. Where retail development in an edge-of-centre site is being proposed, the applicant must demonstrate that there are no sites or potential sites including

vacant units within a city centre or within a designated district/suburban centre that are (a) suitable (b) available and (c) viable, can that edge-of-centre site be considered.

Policy:

Retail 03 Town Centre First Approach/ Sequential Approach - The core retail area/town or village centre will form the main focus and preferred location for new retail development. The Council will apply the sequential approach to retail development proposals outside the core retail area or town/village centre. Edge centre sites or out of town centre sites will only be considered when it has been clearly demonstrated that all suitable available and viable sites in the town core retail area/ town/village centres have been fully investigated and considered in accordance with the Retail Planning Guidelines and in particular the sequential test.

Retail 06 Retail Impact - To require the submission of Retail Impact Assessment and Traffic and Transport Assessment reports in support of applications for significant retail developments which due to their nature, scale and/or location, may impact on the vitality and viability of Waterford City Centre or any other key/urban town centres as designated in Table 3.3 and Table 4.2 (Tiers 1&2). A Local Retail Health Check Assessment shall be required in support of applications for moderate scaled retail developments in any other urban and rural settlements as designated in Table 3.3 and Table 4.2 (Tiers 3-5).

**Appendix 4 – Retail Strategy** - Dungarvan has a relatively wide rural hinterland, the town has a more diversified retail base than many other towns of its scale. The town has a relatively limited number of national stores but has a good variety of independent shops which have been retained in the core retail area of the town. The main shopping centre has been well integrated into the town centre, and there has been little leakage to the edge of town, other than for bulky goods.

Therefore, it will be important to protect and develop the retail function of the town centre of Dungarvan by both enhancing the environment and vitality of the town centre, and by closely controlling any inappropriate out of town retail developments.

Section 8.1.10 of Retail Strategy states: All applications for large retail developments in out of centre or edge of centre locations (in excess of 1,000 sq. metres – net area) should be subject to the sequential test. Where an application for a large comparison

retail development (in excess of 1,000 sq. metres – net area) outside of the city/town centre is lodged to the planning authority, the applicant should demonstrate that all city/town centre options have been assessed and evaluated and that flexibility has been adopted by the retailer in regard to the retail format. The exception to the approach is retail warehouse development that are restricted to the sale of bulky household goods as it is identified in the Retail Planning Guidelines that such developments are better suited to peripheral locations on the edge of a town centre. Such development should be targeted to one of the 4 identified retail parks in the city (Butlerstown, Cork Road, Airport Road & Six Crossroads) and in Shandon & Dungarvan Business Parks.

### **Appendix 5 Placemaking Strategy**

Design statement shall accompany proposed development over 1,000 sqm in the case of employment or retail/non-retail service development and this should include: integrated movement/mobility plan, compliance with 12 design criteria, compliance with DMURS, compliance with 10 design criteria within the DoEHLG Retail Design Manual (2012), cross section demonstrating appropriate design to existing and proposed site levels, SuDS systems.

### **Chapter 8 Placemaking Strategic Objectives**

To promote a diverse choice of places which are attractive, of high-quality design, centred on the human scale and accessible to all; these will act as the heart of every community across Waterford City and County.

This will be achieved through:

- Strengthening sustainable connections between people and place,
- Promoting exemplar urban design,
- Diversity of built form, uses and outdoor spaces resulting in positive social interactions,
- Reduced carbon emissions and
- Greater opportunities for biodiversity

**Policy Objective Place 10:** All medium to-large scale and complex planning applications (15 + residential units (or less depending on the site context),



commercial development over 500 sqm. or as otherwise required by the Planning Authority) shall submit a 'Design Statement' and shall be required to demonstrate how the proposed development addresses or responds to the design criteria set out in the 'Urban Design Manual - A Best Practice Guide' (DoEHLG, 2009) and incorporates adaptability of units and/or space within the scheme. The design statement would include how the circular economy could be addressed from design through to planned end-use and beyond.

In addition, where the development is proposed on a regeneration site or other site identified as being suitable for taller buildings and higher densities (Table 3.2 of the Development Plan, landmark sites within newly developing city neighbourhoods or other such sites identified in Local Area Plans to be made during the lifetime of the Development Plan) the Design Statement will be required to demonstrate full compliance with the Specific Planning Policy Requirements of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) or other such S 28 Ministerial Guidelines applicable at the time.

### **National and Regional policy**

**National Planning Framework (NPF)** seeks to avoid continued, untrammelled urban sprawl of our cities into greenfield areas. "Compact Urban Growth" is required, "making better use of under-utilised land and buildings, ... with higher housing and jobs densities, better serviced by existing facilities and public transport".

Chapter 4.5 of the NPF outlined specific policies to achieve Urban Infill and Brownfield Development, as noted, "there are many areas in our cities, towns and villages that contain lands and buildings not developed or used to their full potential".

NPO 11 – "In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth."

### **Retail Planning Guidelines for Local Authorities 2012**

The guidelines endorse the primacy of the town centre, and it is a national policy to promote greater vitality in city and town centres. In this regard the guidelines

promote the principle of the sequential test and state that the preferred location for new retail development is within city and town centres.

The guidelines introduced the Sequential Test, and stated the following:

“The order of priority for the sequential approach is to locate retail development in city/town centre (and district centre if appropriate), and only to allow retail development in edge of centre or out of centre locations where all other options have been exhausted”.

“The promotion of critical mass in city and town centres through the location of appropriate retail and other complementary uses within and adjoining their prime shopping areas will contribute significantly to the vibrancy and vitality of such centres”

RPG also recommend any assessment shall comply with the criteria set out in the guidelines.

**Regional Spatial and Economic Strategy for Southern Region (RSES)** sets out Dungarvan as a key town and sets out a number of objectives for the town centre.

RPO – Dungarvan

- a. To strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and in its sub-regional role as a Gaeltacht Service Town, leveraging its strategic location along the Waterford Cork N25 route and to build upon its inherent strengths including historical, cultural and architectural heritage, digital connectivity, skills, innovation and enterprise, tourism (in particular the Waterford Greenway and its potential sustainable expansion), culture and retail services. In respect of its importance to the environment, to tourism, to fishing, and to aquaculture (niche industries supporting rural employment), this RSES supports the environmentally sustainable development and treatment of Dungarvan Harbour and coastline.
- b. To seek improvements and upgrading of the N25 Waterford to Cork route, the N72 Dungarvan to Mallow and the R672 linking the Key Towns of Clonmel and Dungarvan.

- c. To support the development of Dungarvan as the Gaeltacht Service Town for Gaeltacht na nDeise”.
- d. To support for enhanced provision of bus service to enable improved intra-regional and inter-regional connectivity to attract more passengers to public transport and away from use of private motor cars.
- e. To support the continued development of cycling and walking infrastructure as part of Go Dungarvan Smarter Travel Programme and to support the accessibility of the public realm for vulnerable road/footpath users and persons with disabilities.
- f. To support the delivery of the infrastructural requirements identified for Dungarvan (including amenities and facilities for the community and voluntary sector) subject to the outcome of the planning process and environmental assessments.
- g. Support the development of Dungarvan as a subregional centre for education and training, including lifelong learning, by building on existing links with international third level education providers and WIT.
- h. Support investment in flood defence measures.

## 5.2. **Natural Heritage Designations**

5.3. The following Natura 2000 sites are in close proximity to the proposed development:

- Dungarvan Harbour SPA (Site Code: 004032) is located 80m northeast.
- Glendine Wood SAC (Site Code: 002324) is located 3.6km northeast.
- Blackwater River SAC (Site Code: 002170) is located 6.3km southwest.
- Helvic to Ballyquin SPA (Site Code: 004192) is located 6.3km southeast.
- Helvic Head SAC (Site Code: 000665) is located 6.7km southeast.
- Mid Waterford Coast SPA (Site Code: 004193) is located 7.9km east.
- Comeragh Mountains SAC (Site Code: 001952) is located 9.4km north.

5.4. The following areas are also of interest:

- Licky Fresh Water Pearl Mussel Catchment Area is located 5.3km south.

- Dungarvan Town Ponds – 304 Wetlands Area are located 0.1km west.
- Colligan River is located 75m northeast.

## 5.5. EIA Screening

The proposal relates to the development of 1-2 storey anchor convenience and comparison retail store and associated works with connection to public services on zoned lands within the settlement boundary of Dungarvan town. The site is located on zoned lands and not within a designated site. Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to Form 1 and Form 2 as per Appendix 1 below.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

2 appeals were received from the following International Investments ICAV Property Fund 2 (owner of lands at Dungarvan Shopping Centre) and Hollybush Properties Unlimited. The grounds of appeal can be summarised as follows:

- The site is zoned as RE (Regeneration), with zoning objective to provide for enterprise and/or residential led regeneration. The site is located outside the Town Centre zoned lands and outside the Core Retail Area as per Waterford City and County Development Plan. Appendix 21 of the CDP, Regeneration and Opportunity Sites, Objective DTOS01 – Glanbia site and adjacent lands, Davitt's Quay. The proposal is inconsistent with the vision for regeneration and opportunity sites for the following reasons:
  - The vision states that "development on this key strategic underutilised site should provide strong architectural design as a key landmark or gateway to Dungarvan Town". The proposal does not provide any

strong architectural design and is not distinguishable from any other standard supermarket.

- The vision states that “Future development shall comprise a high-quality design, fine grained active frontage blocks providing a strong built edge”. The proposed design is considered sub-standard as it fails to provide adequate active street frontage blocks. A Tesco supermarket with its proposed design will not make the street significantly visually engaging.
- The vision states that “Any development should be mixed use, high density with emphasis on employment, tourism, apartments and town centre uses”. The proposal will be dominated by a 1-2 storey anchor convenience store and comparison retail store with surface car parking. There is no mixed/residential use proposed within the development.
- As part of the vision, the site has been earmarked for “potential for multi storey car parking”. Parking proposed is for the retail development only.
- NPF and RSES for Southern Region identify “compact growth” as the means to deliver sustainable growth in our urban settlements. Chapter 7 of the CDP is committed to consolidation, redevelopment and regeneration of infill, brownfield, underused, vacant and/or derelict sites within the existing urban footprints, rather than the continued sprawl of urban development into the open countryside.
- As per the Retail Strategy, Dungarvan occupies Tier 2 (Level 1) and performs a Sub Regional Role. The subject site is outside the Dungarvan Retail Core and is edge of centre. The Strategy identifies that there is capacity for convenience and comparison within the Town Centre of Dungarvan only.
- The council have applied town centre zoning rules rather than the Regeneration zoning. The Retail Strategy sets out the main thrust of the retail guidelines is that the vitality and viability of existing town centres should be protected and enhanced.

- The 2019 figures provided in the CDP indicate a retail vacancy rate of between 14.6% and 16%. In the last 2-3 years this is likely to have increased. This is an important part of why the zoning for this application was changed, i.e., to help protect and enhance the town centre vitality.
- Applicant stated an agreement in principle was made with Waterford City Council for the inclusion of 32 bed apart-hotel. A pre-connection was made to Uisce Eireann, and they stated that a wastewater connection proposed was “not feasible” due to capacity constraints.
- Proposed development is premature without the ancillary development of the opportunity site as a whole scheme or any indication that the adjacent site will be developed. The proposal could represent piecemeal development as a strategic and opportunistic site, which would contravene the objective of the CDP.
- Appendix 4, Retail Strategy of the CDP suggests further convenience development may be suitable in Dungarvan, it warns that a convenience store with a significant comparison element might have a negative impact on both, viability and vibrancy of the town centre. The strategy outlines additional comparison shopping should be located within the Dungarvan Town Centre; the subject site is located in close proximity but not an integral part. Section 7.4.3 states “Convenience development would be appropriate as an anchor store both within the city centre of identified district/suburban centres within the city, or in Dungarvan or Tramore town centres or one of the other towns within the county”. Section 7.4.7 states “it should also be noted that some convenience operators now operate stores with a significant comparison element. Detailed consideration of the extent and scale of any such proposals should be given in the context of its potential impact on the city/town centre. Such stores can sell clothing, footwear and household items which can impact negatively on the established city/town centre”.
- Dungarvan is already well serviced with retail development within walking distance. An additional large detail development is not required as there are sufficient outlets in the immediate area. The applicant has stated that the absence of a national store such as Tesco is likely giving rise to leakage. The

appeal provides a list of supermarkets within 1km walking distance of the proposal.

- The proposal will generate increased traffic congestion. At present, there is significant problems with traffic congestion especially during School peak times both morning and afternoon. A Traffic Impact Assessment provides traffic counts on 11<sup>th</sup> May 2021, the validity is questioned as the survey was carried out during Covid Lockdown.
- The proposed new vehicular entrance on Richard A. Walsh Street is to cater for both customer cars and service vehicles. This area already experiences high traffic volumes from customers accessing the adjacent retail site. There is also a service yard entrance located on this road with articulated vehicles completing deliveries here throughout the day. As a result, there is a major concern that adding additional retail traffic to this area will compound existing traffic issues.
- The entrance sightlines are proposed at 45m from a setback of 2.4m. the CDP requires a greater sightline and greater setback.

## 6.2. Applicant Response

The applicant has responded to the concerns raised in the appeal as follows:

- The site is zoned as RE Regeneration. The vision under Appendix 21 includes for “town centre uses” and that “retail development may be appropriate on the site where compliance with the retail strategy can be demonstrated”. The site is outside the town centre retail core and can be classified as an “edge of centre” site under the Retail Planning Guidelines. If the site is developed for retail purposes, it would form a natural extension to the retail core of the town centre.
- The site has been zoned as RE regeneration since 19<sup>th</sup> July 2022 and since the previous planning application was made. The site is designated under Appendix 21 of the CDP, objective DTOS01 for which the vision states “town centre uses” are acceptable and specifically that retail development may be appropriate where compliance with the retail strategy can be demonstrated.

- The appellants state the proposal “falls short” of the DTOS01 objective. The applicant site is only part of the Glanbia and adjacent lands and not the entire site. The proposal is for convenience and comparison retail and café uses; these are included as “Town Centre Uses”. Proposal includes for future development of an apart-hotel building. This was omitted from the final application as Uisce Eireann stated wastewater constraints in the area.
- It is not the intent of Objective DTOS01 that all the lands would be developed together and/or at the same time. This is significant landbank within the heart of Dungarvan and which is likely to be developed over a number of phases and years.
- The site does not front onto Davitt Quay and therefore the provision of street frontage is not required from this application.
- The applicant has submitted an overall Masterplan for the area to demonstrate how it could be redeveloped for mixed use development and achieve all of the criteria outlined in the CDP.
- The requirement for strong architectural design and street frontage is ironic, given the existing shopping centre provides extensive blank walls and posterised over shop windows along its 130m frontage of Richard A Walsh Street. The proposal is innovative, modern and appropriate design for this central location and will provide much needed active frontage onto Richard A Walsh Street. The proposed design provides a modulation of height and building line, and with a variety of quality materials used including varied stone cladding, timber cladding and zinc. New open space plaza area in the southwest of the scheme will provide seating and active street frontage into the evenings and weekends.
- The Retail Strategy was carried out 5 years ago and there has been a lot of change and growth in Dungarvan since that time. The need for a new supermarket is based on the Census 2022. However, the Retail Strategy does not rule out the potential for additional comparison and convenience retail in Dungarvan to the scale proposed in this application. Section 6.9.6 of the Strategy states that floorspace capacity figures quoted are not upper limits and are to be seen as a minimum rather than maximum targets.



- The Retail Impact Statement (RIS) submitted with the planning application demonstrates that there are no suitable, available or viable sites for the proposed development within the zoned Town Centre and therefore, in accordance with the Retail Planning Guidelines, this edge of centre site can be considered. The RIS also provides an updated Town Centre Health check and Sequential Test to demonstrate both the low level of vacancy in the town centre and also the lack of available sites for new retail of the scale proposed.
- The vacancy rate quoted by the appellant is incorrect and is stated as 12.5% when bulky retail (predominantly outside the town centre) was excluded.
- Traffic Impact – No issues raised by the Planning Authority and concluded the application complies with the standards and that the road network has capacity to cater for same. A rebuttal report submitted and prepared by Roadplan, traffic engineers for the application. The report summarises the following:
  - The traffic survey was carried out to inform the Traffic Assessment on the 11<sup>th</sup> of May 2022, no covid restriction in place at this time.
  - The maximum queue length observed along Richard A Walsh Street was 4 vehicles during the PM peak hour.
  - Traffic flows along Richard A Walsh Street are low (171 vehicle flows in the AM peak and 394 vehicles in the PM peak) and currently does not lead to traffic congestion along Richard A Walsh Street. As a result, this is not a heavily congested area as claimed by the appellants.
  - The assessment of the capacity of the existing junction with the development operational up to 2040 demonstrates that it will operate within capacity with only small queues and delays during the PM peak period, which is to be expected within the town centre context.
  - The proposed new entrance has been designed in accordance with the Design Manual for Urban Roads & Streets (DMURS) (as promoted in the WCCC Development Plan) based on a 50km/h speed limit and achieving a visibility splay of 45m at a maximum set back of 2.4m from the road edge.

- Repeat Application – The current application is materially different from the previous application under planning reference 22827. The application has addressed the previous refusal reasons.

### 6.3. **Planning Authority Response**

- None

### 6.4. **Observations**

- None

### 6.5. **Further Responses**

- None

## 7.0 **Assessment**

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

- Principle of Development
- Retail Impact Assessment
- Traffic and Sightlines
- Appropriate Assessment

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

The proposed site is located on zoned Regeneration (RE), the objective is to provide for enterprise and/or residential led regeneration. Retail Food/Supermarket is permitted in principle, Retail Comparison is open for consideration. Café is permitted in principle. The site is on the edge of the Town Centre/Core zoned area and Dungarvan Core Retail Shopping Area.

- 7.3. Appendix 21 of the CDP relates to Regeneration and Opportunity Sites. DTOS01 outlines the vision for the Glanbia site and Adjacent lands, Davitt's Quay (3.23ha) (subject site). The vision statement for each opportunity site should be read in conjunction with Policy Objective H05 "Regeneration Policy Objectives". Section 11.6 of Volume 2, DM standards further iterate, RE lands offer great potential for a relatively significant supply of housing and employment, as set out in their zoning objectives. Furthermore, the Town Centre zoned lands are included given their critical role for sustainable neighbourhoods and wider communities, and to ensure their continued viability and vitality.
- 7.4. The grounds of appeal state the proposal is inconsistent with the vision for regeneration and opportunity sites in particular with regard to:
- Providing a strong architectural design as a key landmark or gateway to Dungarvan Town.
  - Providing a high-quality design, fine grained active frontage blocks providing a strong built edge.
  - Providing a mixed use, high density with emphasis on employment, tourism, apartments and town centre uses.
  - No provision for a multi storey car park as earmarked in the vision for the site.
  - No provision for residential
- 7.5. The grounds of appeal also highlight the NPF and RSES for Southern Region identify "compact growth" as the means to deliver sustainable growth in our urban settlements. Chapter 7 of the CDP is committed to consolidation, redevelopment and regeneration of infill, brownfield, underused, vacant and/or derelict sites within the existing urban footprints, rather than the continued sprawl of urban development into the open countryside.
- 7.6. As noted above the site is zoned as RE for regeneration, and according to the zoning matrix retail food/supermarket & café is permitted in principle and retail comparison is open for consideration. Notwithstanding the zoning matrix, the site will be assessed in terms of Appendix 21 DTOS01 Regeneration and Opportunity Sites and Regeneration Policy objective H 05 which identifies the site as a "key strategic underutilised site". DTOS01 outlines a strong and detailed vision for the site and any

proposed development on this site should provide a strong architectural design as a key landmark or gateway to Dungarvan Town. In my opinion, the proposal for a 1/2 storey retail convenience/comparison store will not be a “key landmark or gateway” building to Dungarvan Town. The site needs to be developed in line with the vision of DTOS01 and provide a high quality, high-density, mixed-use development.

- 7.7. I have reviewed the Design Statement submitted with the planning application, and it refers to the incorrect zoning as “mixed use”, however, it does outline the vision for the regeneration site, but fails to address how the proposed development meets the vision and objective of DTOS01. The statement outlines the proposed development will create a new streetscape from Shandon roundabout along Richard A. Walsh Street and outlines how the building has been designed to highest quality, hard and soft landscaping proposed and new open space providing a public space/public realm. The statement also looks at connectivity from the corner of the site through the cafe into the main shop thereby avoiding the need to pass through the main car park. In my opinion, the design statement is lacking the basic 12 Design Criteria Principles and does not address the vision or criteria of the proposed site.
- 7.8. The proposed development of a main anchor retail component should be a small element of the overall regeneration site, particularly given the portion of the entire site in the ownership of the applicant (1.49ha of the total 3.23ha). The applicant has considered the overall design of the building and included a variety of finishes. The building is proposed along the street frontage of Richard A Walsh Street, but in my opinion and given the vision for mixed use high density, the street could benefit from a stronger, higher and more active street frontage as detailed in the vision for the site.
- 7.9. The site is more or less equally divided between a storey to two storey retail/convenience & café and a surface level car park. The applicant has noted potential for a future apart/hotel on the grounds of the car park. The future proposed building will be surrounded on all sides by surface car parking. Given the location of the site in the town centre of Dungarvan and on the edge of the town centre core, the site should be proposed and designed as a regeneration application. The site has the potential for a high-rise, high-density development incorporating a mix of uses and offering an attractive public realm space for the public. The design and proposal presented offers a sub-standard retail design option where car parking is dominate

on a town centre site. The applicant has indicated one pedestrian/cycleway link to northeast of the site onto Shandon Street. This access appears to be in place to Eir utility building, given the scale of the site, the applicant could potentially offer more connectivity through the site to Shandon Street, Richard A Walsh Street, Topline Currans to the west, Aldi to the southwest and Dunnes shopping centre to the south.

- 7.10. The vision of objective DTOS01 also mentioned potential housing yield and is noted by the appellants. The site is a town centre location good transport links within walking distance of the proposed site, the proposed development does not offer any residential element. The site has the capacity to accommodate residential units, and this should be considered on the site. This is emphasised in the recently published Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area which state where significant brownfield sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations.
- 7.11. Having regard to the zoning Regeneration (RE) and objective DTOS01 which requires a detailed regeneration site as per the vision outlined in the objective, it is my opinion that the proposed development fails to comply with the zoning and objective requirements as per CDP. The proposal is poorly designed and does not take into account the location of the site, the potential for mixed use development or the potential public realm/open space for the town/residents of the town. The site is split between a single/two storey building and a surface car park in a town centre location with good public transport links and existing public car parking. The proposal in its form, is unsustainable and does not take advantage of the zoning objectives & vision for this brownfield site.
- 7.12. **Retail Impact Assessment**
- 7.13. The proposed development is located on the edge of the town centre core and as such in accordance with Chapter 4, section 4.12.5 Town Centre First/Sequential Approach of the CDP and in line with the Retail Planning Guidelines, a sequential test must be applied.

- 7.14. The grounds of appeal state as per the Retail Strategy of the CDP and of the Retail Planning Guidelines, Dungarvan occupies Tier 2 (Level 1) and performs a Sub Regional Role. The subject site is outside the Dungarvan Retail Core and is edge of town centre. The Strategy identifies that there is capacity for convenience and comparison within the Town Centre of Dungarvan only. The Retail Strategy sets out that the vitality and viability of existing town centres should be protected and enhanced. The appellants highlight the retail vacancy rate for 2019 as provided in the CDP as between 14.6% and 16%.
- 7.15. The grounds of appeal also highlight that the Retail Strategy of the CDP suggests further convenience development may be suitable in Dungarvan, but it warns that a convenience store with a significant comparison element might have a negative impact on both, viability and vibrancy of the town centre.
- 7.16. The applicant has responded by stating the Retail Strategy in the CDP was carried out 5 years ago and there has been a lot of change and growth in Dungarvan since that time. The need for a new supermarket is based on the Census 2022. However, the Retail Strategy does not rule out the potential for additional comparison and convenience retail in Dungarvan to the scale proposed in this application. Section 6.9.6 of the Strategy states that floorspace capacity figures quoted are not upper limits and are to be seen as a minimum rather than maximum targets.
- 7.17. The applicant carried out a Retail Impact Statement (RIS) with the planning application. The development comprises of an anchor retail convenience and comparison storey (total 3,929sqm) comprising Retail area (2,319sqm), back of house, storage, office (1,455sqm) and café (155sqm).
- 7.18. The Retail Impact Statement (RIS) submitted with the planning application demonstrates that there are no suitable, available or viable sites for the proposed development within the zoned Town Centre and therefore, in accordance with the Retail Planning Guidelines, this edge of centre site can be considered. The RIS also provides an updated Town Centre Health check.
- 7.19. The vacancy rate is stated as 12.5% when bulky retail (predominantly outside the town centre) was excluded as per Retail Strategy. The RIS showed only 8 vacant units in the Town Centre. This is a reduction from 14 units recorded in 2019.

- 7.20. The RIS states that 2022 Census provides for 32,636 population in the catchment and that a growth rate of 8.2% is above the national average of 8%. The population of the town grew by over 9.2% based on the actual growth and projected growth, it is concluded that the proposal will not undermine the vitality and vibrancy of the town centre.
- 7.21. The RIS presents expenditure figures as stated in the Retail Strategy of the CDP and it indicates that the retail catchment can accommodate the proposal along with all existing retail developments and without resulting in a negative impact on existing stores.
- 7.22. The sequential test was carried out and assessed 4 alternative sites, each were discounted due to size. The test concluded that the application site is the most appropriate to accommodate in terms of scale and nature to accommodate the proposed development having regard to size, zoning, accessibility and availability.
- 7.23. I am satisfied that the Retail Impact Statement (RIS) has been carried out in compliance with Chapter 4, section 4.12.5 Town Centre First/Sequential Approach of the CDP and in line with section 4.9 of the Retail Planning Guidelines.
- 7.24. Having considered the Retail Impact Assessment including the population growth and projections and expenditure statistics, it is considered that the justification for the proposal is acceptable and would not adversely impact on the vitality and vibrancy of the town centre including its retail offering.
- 7.25. **Traffic and sightlines**
- 7.26. The site is located on a brownfield site within the town boundary of Dungarvan. Richard A Walsh Street is located to the south and east of the site with potential access pedestrian/cycle to Shandon Street to the north. The applicant submitted a Traffic Impact Assessment and a Road Safety Audit.
- 7.27. The grounds of appeal state the proposal will generate increased traffic congestion, and that at present, there is significant problems with traffic congestion especially during school peak times both morning and afternoon. The proposed new vehicular entrance on Richard A. Walsh Street is to cater for both customer cars and service vehicles. This area already experiences high traffic volumes from customers accessing the adjacent retail site. There is also a service yard entrance located on

this road with articulated vehicles completing deliveries here throughout the day. As a result, there is a major concern that adding additional retail traffic to this area will compound existing traffic issues.

7.28. The appellants question the validity of the Traffic Impact Assessment which was stated as having carried out traffic counts on 11<sup>th</sup> May 2021, during Covid Lockdown.

7.29. In addition, the appellant also queries the entrance sightlines proposed at 45m from a setback of 2.4m, whereas the CDP requires a greater sightline and greater setback.

7.30. The applicant responded to the appeal and stated no issues raised by the Planning Authority and concluded the application *complies with the standards and that the road network has capacity to cater for same*. A rebuttal report submitted. The report summarises the following:

- The traffic survey was carried out to inform the Traffic Assessment on the 11<sup>th</sup> of May 2022, no covid restriction in place at this time.
- The maximum queue length observed along Richard A Walsh Street was 4 vehicles during the PM peak hour.
- Traffic flows along Richard A Walsh Street are low (171 vehicle flows in the AM peak and 394 vehicles in the PM peak) and currently does not lead to traffic congestion along Richard A Walsh Street. As a result, this is not a heavily congested area as claimed by the appellants.
- The assessment of the capacity of the existing junction with the development operational up to 2040 demonstrates that it will operate within capacity with only small queues and delays during the PM peak period, which is to be expected within the town centre context.
- The proposed new entrance has been designed in accordance with the Design Manual for Urban Roads & Streets (DMURS) (as promoted in the WCCC Development Plan) based on a 50km/h speed limit and achieving a visibility splay of 45m at a maximum set back of 2.4m from the road edge.

7.31. It was noted in the TIA that the base year in the capacity assessment table was noted as 2022. The Traffic count surveys submitted all relate to 11<sup>th</sup> May 2022. The



counts were carried out at Shandon Roundabout (N25), Shandon Street/Davitts Quay/Walsh Street Roundabout, Walsh Street/John Treacy Street Junction and Fairlane Roundabout (N25). The TIA calculated a total trip generation AM peak to the development of 111 and a PM Peak of 210 with 79 movements from the development AM and 247 PM – total movements 190AM and 457PM. Trip distribution and growth rates for traffic have also been modelled. For each junction, the applicant has also carried out capacity assessment based on baseline information, no development, post development and growth rates. It is stated the junctions will still operate within capacity with some queuing post development.

- 7.32. The grounds of appeal have concerns regarding the proposed sightlines at 45m from a setback of 2.4m. The CDP requires a greater sightline and greater setback. The sightlines proposed at 45m and a setback of 2.4m are in accordance with DMURS, I note the reference in the CDP to a 70m sightline and 4.5m setback. However, section 8.8 DMURS also makes reference to urban areas inside the 60km/h urban speed limit, developers should also have regard to the best practice standards set out in the Design Manual for Urban Roads & Streets (DMURS) 2020. DM47 of the CDP clarifies this:

*The design of urban streets in Ireland is governed by DMURS which is mandatory for all urban roads and streets within the 60km/h urban speed limit zone.*

The Roads Engineer did not raise any potential traffic safety issues around any conflict between the Dungarvan Shopping Centre Service Entrance and the car park entrance proposed, the principal issue arising is delivery vehicles for the shopping centre are unloading on Richard A Walsh Street and not using the service yard – there are double yellow lines where vehicles are parking/unloading and this is an enforcement issue.

- 7.33. I am satisfied the TIA assessment submitted complies with the CDP, TII Transport Assessment Guidelines and TII National Traffic Model. I consider that the proposed sightlines of 45 metres and a setback of 2.4 metres is acceptable as the proposal is in accordance with DMURS.

## **8.0 AA Screening**

- 8.1. Having regard to the proposed development of retail convenience store, café and all associated site works with connection to public sewer and public water and discharge most of the surface water to ground and any excess peaks to the culvert traversing the site via attenuation and petrol/oil interceptors. The site is within the development boundary for Dungarvan Town. The nearest European site is Dungarvan Harbour SPA (site code: 004032) which lies approximately 80 metres northeast of the site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

I recommend that planning permission should be refused for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the zoning of the site, the objective of which is to provide for enterprise and/or residential led regeneration, the location of the site on edge of town centre, and notwithstanding that retail use is “permitted in principle”, the proposal would be contrary to DTOS01. The site forms a substantial part of Regeneration and Opportunity Site DTOS01, which provides for a detailed vision of how careful and considered development of these lands would make a positive contribution to Dungarvan Town. The development as proposed would not deliver a strong architectural design as a key landmark or gateway to the town or provide a high density of mixed uses including employment, tourism, residential and retail. The proposal is almost entirely retail in nature and very low density relative to the land take of the overall regeneration site. The proposed development would therefore be contrary to the policies and objectives of the Waterford City and County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

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.

---

Jennifer McQuaid  
Planning Inspector

23<sup>rd</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

|   |  |            |                                |
|---|--|------------|--------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-319058-24  |            |                                |
| <b>Proposed Development<br/>Summary</b>   | <p>The proposed development relates to the development of c1.49ha located on the former Glanbia site. The proposed development will consist of:</p> <ul style="list-style-type: none"> <li>The construction of 1-2 storey anchor convenience and comparison retail store.</li> <li>Including c2,319sqm net retail sales area, c1,455sqm of house/storage/office-administration, café of c.155sqm</li> <li>Provision of surface car park 165 spaces and bicycle parking</li> <li>Replacement of existing site access from Richard A Walsh Street with a new vehicle entrance for customers and service/deliveries</li> <li>Provision of ESB sub-station/switch room, roof PV panels, signage (including totem sign), landscaping, boundary treatment</li> <li>All associated site works and service provisions</li> </ul> |            |                                |
| <b>Development Address</b>  | Former Glanbia Site, Richard A Walsh Street, Dungarvan, Co. Waterford  |            |                                |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)                                      |  | <b>Yes</b> | X                              |
|   |  | <b>No</b>  |                                |
| <b>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?</b> |  |            |                                |
| <b>Yes</b>  |  |            | EIA Mandatory<br>EIAR required |

|   |   |   |  |
|---|---|---|--|
| <b>No</b>   | X |   | Proceed to Q.3   |
| <b>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]?</b> |   |   |  |
|   |   | <b>Threshold</b>  | <b>Comment (if relevant)</b>   |
| <b>No</b>   |   |   |  |
| <b>Yes</b>  | X | Class 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere | The proposed development relates to a site size of 1.49 hectares on a brownfield site in an urban area within Dungarvan town boundary.<br><br>Proceed to Q.4 |

|   |   |   |
|---|---|---|
| <b>4. Has Schedule 7A information been submitted?</b> |   |   |
| <b>No</b>   | X | <b>Preliminary Examination required</b> |
| <b>Yes</b>  |   | <b>Screening Determination required</b> |

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

|   |  |
|---|--|
| <b>An Bord Pleanála Case Reference</b>  | <b>ABP- 319058-24</b>  |
| <b>Proposed Development Summary</b>   | <p>The proposed development relates to the development of c1.49ha located on the former Glanbia site. The proposed development will consist of:</p> <ul style="list-style-type: none"> <li>• The construction of 1-2 storey anchor convenience and comparison retail store.</li> <li>• Including c2,319sqm net retail sales area, c1,455sqm of house/storage/office-administration, café of c.155sqm</li> <li>• Provision of surface car park 165 spaces and bicycle parking</li> <li>• Replacement of existing site access from Richard A Walsh Street with a new vehicle entrance for customers and service/deliveries</li> <li>• Provision of ESB sub-station/switch room, roof PV panels, signage (including totem sign), landscaping, boundary treatment</li> <li>• All associated site works and service provisions</li> </ul> |
| <b>Development Address</b>  | Former Glanbia Site, Richard A Walsh Street, Dungarvan, Co. Waterford.   |
| <p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |  |

|  | Examination  | Yes/No/<br>Uncertain |
|--|--|----------------------|
| <p><b>Nature of the Development.</b><br/>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p> | <ul style="list-style-type: none"> <li>• The proposed development relates to the construction of a retail store and café on a brownfield site.</li> <li>• The site is within the development boundary of Dungarvan and on zoned lands.</li> <li>• The development will consist of a storey/two storey retail building with convenience and comparison goods, offices, storage &amp; café.</li> <li>• The building will be connected to public water, public sewer. The surface water will be disposed of to ground with any excess peaks to the culvert traversing the site via attenuation and petrol/oil interceptor.</li> <li>• SuDs measures will be implemented for surface water.</li> </ul> | No                   |

|  |   |    |
|--|---|----|
|  | <ul style="list-style-type: none"> <li>There are no direct source or pathway to a protected site.</li> </ul>  |    |
| <p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>   | <ul style="list-style-type: none"> <li>The proposed site measures 1.49 hectares. The site is the development is not exceptional in the context of the existing urban environment.</li> <li>The site is located on a brownfield site, where former Glanbia was located. There are a number of retail/commercial/residential buildings within the surrounding area, however, there is no real likelihood of significant cumulative effects with the existing and permitted projects in the area.</li> </ul> | No |
| <p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p> | <ul style="list-style-type: none"> <li>The site is not located within any designated site. The nearest designated site are:</li> <li>Dungarvan Harbour SPA (Site Code: 004032) is located 80m northeast.</li> <li>Glendine Wood SAC (Site Code: 002324) is located 3.6km northeast.</li> <li>Blackwater River SAC (Site Code: 002170) is located 6.3km southwest.</li> <li>Helvic to Ballyquin SPA (Site Code: 004192) is located 6.3km southeast.</li> </ul>   | No |



|  |  |  |
|--|--|--|
|  | <ul style="list-style-type: none"> <li>• Helvic Head SAC (Site Code: 000665) is located 6.7km Southeast.</li> <li>• Mid Waterford Coast SPA (Site Code: 004193) is located 7.9km east.</li> <li>• Comeragh Mountains SAC (Site Code: 001952) is located 9.4km north.</li> <li>• My Appropriate Assessment Screening undertaken concludes that the proposed development would not likely have a significant effect on any European Site.</li> <li>• The subject site is located within Flood Zone A and B for coastal flooding. A Flood Risk Assessment was carried out and no issues were raised.</li> </ul> |  |
| <b>Conclusion</b>  |  |  |
| <ul style="list-style-type: none"> <li>• There is no real likelihood of significant effects on the environment.</li> <li>• EIA is not required.</li> </ul> |  |  |

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)