



An
Bord
Pleanála

Inspector's Report

ABP-319363-24

Development

Construction of a supermarket (2,260sqm) which includes an ancillary off-licence sales area. It includes works to the boundary wall and side garden of Parkmore House (a Protected Structure), car parking & all associated site works. A Natura Impact Statement accompanies the application.

Location

Parkmore House, Weaver's Square, Baltinglass East, Baltinglass, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

23/135

Applicant(s)

Lidl Ireland GmbH

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Lidl Ireland GmbH

Observer(s)

Philip O' Reilly

Date of Site Inspection

11/02/25

Inspector

Paula Hanlon

1.0 Site Location and Description

- 1.1. The site (1.08ha) subject to this appeal (hereafter referred to as ‘the site’) is located within the eastern side of the urban area of Baltinglass, Co. Wicklow, approximately 400m southeast of the Slaney Bridge in the town centre.
- 1.2. The site is of an irregular shape. It is currently laid out such that it collectively encompasses two distinct site areas, notably Parkmore House (a protected structure) within its northeastern corner & associated side garden, and the eastern extent of an adjoining field, located to the rear (west) of both Parkmore House and an adjoining petrol forecourt service station. There are a number of mature trees within the site.
- 1.3. A portion of the site fronts onto the western side of Weaver’s Square (R747) (along its north east boundary). It also fronts onto Parkmore, an adjoining cul-de sac (along its southern boundary). Long established community uses including St. Joseph’s Church and the former convent lands are prominently located on more elevated lands opposite the site, which front onto the eastern side of the R747.
- 1.4. The site is bound by a petrol forecourt station (SE corner), a cul-de-sac road which serves an established row of mid to late 20th century dwellings at Parkmore and a local park & playground (south), green field (west) and residential units (north).
- 1.5. The River Slaney, a protected European site, flows in a north-south direction a distance of approximately 110m west of the site.
- 1.6. The site’s topography and wider lands slope gently downwards in a north-south direction with a level difference of approximately 2m front to rear of site.

2.0 Proposed Development

- 2.1. In broad terms,
 - the works sought within the grounds of Parkmore House (a protected structure) include the demolition of a boundary wall and the development of a vehicular access road through the side garden area to the SE to provide access off the R747 into the proposed new supermarket and associated car parking.
 - the works sought within an existing green field area which adjoins the rear (western) boundary of both Parkmore House (a protected structure) and the

rear boundary of a petrol forecourt station include a new supermarket building, on-site car parking and all other associated works.

- 2.1.1 The proposed new single storey supermarket building which includes an ancillary off-license sales area is of contemporary design (2,260m² GFA). The structure ranges in height equivalent from 1 to 1 1/2 storeys with an overall maximum height of 6.73m. The net sales area is 1,419m² which comprises a convenience goods area (1,135m²) and comparison goods area (284m²).
- 2.1.2 The proposed development also includes ancillary bin store (7m²), trolley bay canopy area (76m²), external mechanical plant area (1,097m²), roof mounted PV's, cycle stands, ESB substation (24m²) and signage (46m²) [including "flagpole" style advertising sign at the proposed entrance.
- 2.1.3 111(no) surface car parking spaces are proposed. The car parking layout is within the green field portion of the site, along both its northern and eastern extent. Car parking is also sought along both sides of the proposed vehicular access road which encompasses a portion of the grounds of Parkmore House (a protected structure) and lies between Parkmore House itself and an adjoining service station.
- 2.1.4 A proposed new vehicular access point off the R747 would be flanked by Parkmore House and an existing petrol service station along the site's streetscape. The proposed vehicular access would require works to Parkmore House (a protected structure), including the removal of sections of its existing boundary walls and the removal of its side garden and associated planting.
- 2.1.5 Other proposed works to Parkmore House include new timber gates within existing archways generally located to the SW of the house, and the removal of an existing septic tank and replacement with a new connection to the proposed new foul connection to serve the proposed development.
- 2.1.6 All associated site works proposed include the raising of existing site levels and site drainage works.
- 2.2. The proposed application was amended at further information stage and publicly advertised as 'Significant Further Information'. In responding to the PA's further information request, a number of amendments were put forward including revisions in

the design of the proposed access road [including removal of right turn lane and reduction in vehicular entrance width to 7.5m], new rainwater garden area, provision for a potential future access into adjoining lands to the north of the site, external finishes (natural stone finish), a reduction in overall car parking to 101(no) car parking spaces, revised boundary treatment & landscaping, revised lighting plan, relocation of flagpole signage and revised redline boundary (1.0872ha).

2.3. The application was accompanied by the following documentation of note –

Planning, Architectural Heritage & Archaeology

- Planning Report & Retail Assessment (Feb. 2023)
- Supplementary Planning & Design Statement (Dec. 2023)
- Architectural Design Statement (Jan 2023) (Updated Oct. 2023)
- Architectural Heritage Impact Assessment (Feb. 2023)
- Photomontages (Dec. 2022).
- Archaeological Impact Assessment (Feb. 2023) Supplementary (Oct. 2023)

Technical/Infrastructural Provisions

- Flood Risk Assessment (Feb. 2023) (Updated Dec. 2023)
- Stage 1 Road Safety Audit (Feb. 2023)
- Traffic & Transport Assessment (Feb. 2023)
- Glint & Glare Assessment Report (Dec. 2022)
- Services Design Report (Jan. 2023) (Updated Oct. 2023)
- Uisce Eireann Confirmation of Feasibility (Nov. 2022)
- Lighting Impact Assessment Report (Dec. 2022)
- Preliminary Construction & Demolition Waste Management Plan (Jan. 2023) (Updated Oct. 2023)
- Preliminary Construction Environment Management Plan (Jan. 2023) (Updated Oct. 2023).

Ecology & Biodiversity

- Appropriate Assessment Screening & Natura Impact Statement (Feb. 2023) (Updated Dec. 2023)
- Ecological Impact Assessment (Feb. 2023) (Updated Dec. 2023)
- Tree Hedgerow & Vegetation Survey Assessment (Oct 2022/Updated 2023)

3.0 Planning Authority Decision

3.1 Further Information

On 06 April 2023, the PA expressed concerns that the proposed development did not represent an efficient use of the subject lands. It sought that further information be submitted to address its concerns, which included the submission of a Planning & Design Statement. Additional details in respect of roads and traffic (including vehicular & pedestrian movement), car parking, flood risk, stormwater, public lighting, external material finishes, boundary treatment and archaeology were also sought.

3.2 Decision

By Order dated 22 February 2024, Wicklow County Council (WCC) following its consideration of the applicant's further information, issued a notification of decision to refuse planning permission for 1(no.) reason. The PA decided that the proposal did not represent an efficient use of the subject lands and that it would not provide a high-quality form of development. It detailed that the proposed development would be contrary to CDP objectives and to the proper planning and sustainable development of the area.

The PA's stated reason for refusal is set out hereunder:

1. Having regard to:
 - i) the location of the proposed development on a site within close proximity of Baltinglass Town Centre and which is zoned "TC Town Centre: To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use", and the need to ensure that zoned land is used efficiently for appropriate development and that the development of town centre lands supports the consolidation

of the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments;

- ii) the single storey scale of development proposed and limited footprint relative to the site area;
- iii) the lack of justification provided for the level of car parking proposed and the amount of land and site frontage dedicated to the entrance area;

It is considered that the proposed development does not represent an efficient use of town centres zoned lands. As such, the proposed development would fail to provide a compact, high quality form of development and would be contrary to the objectives of the County Development Plan 2022 to 2028 and to the proper planning and sustainable development of the area.

3.3 Planning Authority Reports

3.3.1 Planning Reports

Two Planning Reports are attached to the application.

The first Planning Report dated 05 April 2023 concluded that there were concerns in relation to the proposed development in regard to the utilisation of the subject town centre zoned lands, connectivity and overall design & layout.

The planning officer sought that further information be provided which addressed the matter of the efficient use of the site, including any potential impact on future access requirements to adjoining lands, site coverage/low plot ratio, and flood zone considerations. The possibility of providing an alternative design and layout in response to the PA's F.I. request was suggested within the further information sought.

Additional details and revisions were also sought in regard to the proposed vehicular entrance, car parking & other road design/road safety matters, pedestrian connectivity, flood storage, stormwater capacity, public lighting, external finishes, boundary finishes & landscaping, and the requirement for a revised Archaeological Impact Assessment.

The second Planning report dated 27 February 2024 formed the basis for the decision by WCC to refuse permission.

In making the recommendation to refuse permission, the Planner's Report concluded that the principle of retail development on the site is acceptable, however the proposed scheme would result in the inefficient use of town centre zoned land.

3.3.2 Other Technical Reports

- Municipal District Engineer (12/01/24): Considered that issues raised on roads & traffic and drainage can be addressed by clarification of further information. In the absence of firm proposals being submitted, a refusal on traffic safety was recommended.
- Fire Service (18/01/24): No objection subject to conditions.
- Roads (27/02/24): No objection subject to conditions.

3.4 Prescribed Bodies

- Department of Housing, Local Government & Heritage (DHLGH) (11/01/2024): No objection following its receipt of further information sought on archaeology.
- Uisce Eireann (UE) (02/03/23): No objection raised. UE details the applicant's requirements in regard to EU Directives and compliance with the best Groundwater Protection Schemes, water/wastewater connection agreements and UE Standards codes & practices.

3.5 Third Party Observations

The PA received 8(no) third-party submissions during the course of their determination. 2(no) submissions made were in support of the development, with one of these supportive submissions contingent on the applicant satisfactorily addressing a raised matter on boundary treatment. 6(no) submissions (2 of which were made by the observer in this case) were opposed to the proposed development.

The issues of concern as raised by objectors at application stage related to flood risk, heritage impact, air pollution, health & safety, boundary treatment adjacent to adjoining residential development and the sufficiency of submitted details.

The matters of concern in respect of architectural heritage impact are predominantly similar to those detailed within the observation received on this appeal (Refer Section 6.3 below). No other issues are raised by the observer.

4.0 Planning History

06/5388: Application Withdrawn for the development of 45 dwellings, located within the entire field to rear of Parkmore House and adjoining petrol service station.

04/1923: Permission was granted for the conversion of outhouses and barns to 3(no) holiday homes and shop unit.

5.0 Policy Context

5.1. Development Plan

5.1.1 The WCDP which came into effect 23 October 2022 is the operative Development Plan for the county. The Baltinglass Level 4 – Town Plan, contained within the CDP, sets out the vision and relevant policy objectives for the town’s development over the plan period. Chapter 10 – Retail which includes the Retail Hierarchy & Strategy for the County is also particularly relevant to this case.

5.1.2 Baltinglass Level 4 Town Plan is set out within Volume 2 of the plan.

Baltinglass is designated as a Level 4 Self-Sustaining Town within the County’s settlement strategy (Chapter 4, CDP).

The role and function of a ‘Self-Sustaining Town’ is to contain growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery.

In addition to this, the Settlement Strategy specifically references that Baltinglass serves a wide rural catchment and provides a range of services & facilities to these rural areas in addition to its own residents. The plan refers to the importance in protecting and strengthening its role so as to ensure its viability as a service centre and to sustain rural areas.

The site is zoned TC – Town Centre with the objective “To provide for the development and improvement of appropriate town centre uses including residential, retail,

commercial, office and civic use” (Section 1.2.1, Part 1.2, Baltinglass Level 4 Town Plan).

- 5.1.3 In terms of the County’s Retail Hierarchy & Strategy (RS), Baltinglass is designated as a Level 3 Town which includes Town and/or District Centres & Sub-County Town Centres (Key Service Centres) (Refer Chapter 10, CDP). It sets out that supermarkets are required to meet local needs within level 3 designated settlements.

The RS does not define a Retail Core Area for Baltinglass. It recognises Baltinglass as a strong rural market town with a large rural hinterland. It includes ‘supermarket’ as an expected retail form within a level 3 town (Table 10.2).

The RS sets out its policy and requirements in respect of applying the Sequential Approach to the location of retail development (Section 10.2.5) and Quality of Design Section 10.2.7). Policy objectives of relevance include:

CPO 10.1 (vibrancy & vitality – direct new development into TCs); CPO 10.8 (sequential approach); CPO 10.9 (strong street frontage requirement & protection of traditional structure of town); CPO 10.10 (car & cycle parking); CPO 10.11 (reducing dereliction/vacancy); CPO 10.12 (maintain visual character of streets); CPO 10.13 (promote an appropriate mix/balance different types of retail within centres); CPO 10.16 (Promote quality design); CPO 10.17 (accommodate demands of modern retailing); CPO 10.18 (possibility for relaxation of certain development standards within centres so as to achieve the best development possible, visually & functionally); CPO 10.19 (promote quality design & materials for shopfronts); CPO 10.22 (permissibility of large convenience goods stores - on suitably zoned land/having regard to the Retail Planning Guidelines for PA’s).

- 5.1.4 The following chapters and policy objectives within the CDP are also of particular relevance to the consideration of this appeal;

Volume 1:

Chapter 4 - Settlement Strategy: CPO 4.9 (sustainable compact growth & addressing decline);

Chapter 5 - Town & Village Centres: Placemaking & Regeneration CPO 5.3 (particularly promote & facilitate residential in TCs/maintaining activity & vitality in the TC and addressing vacancy); CPO 5.9 (facilitate & support well-designed

development); 5.24 (identify building height locations in accordance with NPF/RSES objectives).

Chapter 9 - Economic Development: CPO 9.1 (support employment that mitigates commuting).

Chapter 17: CPO 17.1 (protect, sustainably manage & enhance natural heritage, biodiversity, geological heritage, landscape and environment); CPO 17.4 - CPO 17.7 (protection of protected sites & species); (CPO 17.24 implementation of Groundwater Directive & WFD); CPO 17.25 (floodplains & biodiversity) and CPO 17.26 (protect rivers [maintain a 25m core riparian buffer zone generally]).

Chapter 18: CPO 18.3 & CPO 18.8 (green infrastructure & nature based solutions).

Appendix 1, CDP – Development and Design Standards including:

Section 3.2.2 (Core town centre area)

- New developments will require to be ‘integrated’ with the existing built fabric, in the sense that it will knit together, both physically and visually with the surrounding buildings;
- New developments will be required to form new street frontage or to bridge existing gaps in the streetscape. Where an access point is required, this should be in the form of a tunnel or arch. Where appropriate or necessary, buildings may however be stepped backwards or forwards, to add visual interest and variety to the town, subject always to this not undermining or interfering with an established streetscape;
- The development of new streets and squares will be encouraged, as well as the opening up of new links between sites or from backlands to the street front;
- Where the plot width of the site is considerably wider than the prevailing plot width along the street, the new building’s facade will be required to be broken into visually distinguishable elements, to allow for a more seamless transition between existing and new; In town centres that are designated ‘Architectural Conservation Areas’, applications for new development shall pay due regard to the features of the area that warranted that designation and shall identify key

elements of the existing townscape that are to be carried forward into the new development.

Table 2.3 Car Parking standard for large foodstores 'food retail' is 1 space per 14m².

Table 2.4 Bicycle Parking standard is 10% of total car spaces subject to a minimum provision of 50 spaces.

Volume 2: Level 4 – Baltinglass Town Plan including:-

Objective BALT9: To facilitate and support the development of a new supermarket on land zoned town centre that will improve the retail offer for Baltinglass and the surrounding area and will support a healthy and vibrant town centre.

Objective BALT8: All development proposals in the 'Town Centre' zone shall respect the character and setting of the historic main streets and squares including but not limited to protected structures therein and integrate in a satisfactory manner with the existing character and streetscape in terms of massing, rhythm, materials and finishes.

Objective BALT17 (Ensure the protection of all Protected Structures).

Objective BALT18: To consolidate and safeguard the historical and architectural character of Baltinglass town centre through the protection of individual buildings, structures... that are of architectural merit and / or contribute greatly to this character.

5.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2020 – 2031 (RSES)

The RSES recognises that employment-intensive sectors such as retail have significant implications for the RSO of placemaking and creating attractive environments in which to live and work. It provides a specific regional policy objective that objectives shall be included in development plans and LAPS supporting the emphasis on placemaking for town centres (RPO 6.12).

5.3. Project Ireland 2040 National Planning Framework First Revision (April 2025)

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland up to the year 2040. The Framework was recently revised and updated in April 2025 to take account of changes that have occurred since it was published in 2018 and to build on the framework that is in place. The preferred approach involves compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings.

National Policy Objective 11 in referring to planned growth at a settlement level, also provides that the consideration of individual development proposals on zoned and serviced development shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

National Policy Objective 20 outlines that 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 towns, subject to the development meeting appropriate planning standards and achieving targeted growth.

5.4. National Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the PA, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Retail Planning Guidelines for Planning Authorities – Department of Environment Community and Local Government (April 2012)
- Retail Design Manual
- Design Manual for Urban Roads and Streets (2019).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

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

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

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.

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

For proposals in edge-of-centre and out-of-centre locations, it must be demonstrated that there are no sites or potential sites within the town 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.

Section 4.11.1 states that large convenience stores (comprising supermarkets), should be located in town centres or on the edge of these centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy.

The guidelines define a supermarket as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sqm.

5.6. Retail Design Manual

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

5.7. The Climate Action Plan 2025 (CAP25)

The Climate Action Plan 2025 (CAP25) which was recently approved by Government sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government. CAP25 builds upon Climate Action Plan 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and should be read in conjunction with CAP24.

It reaffirms the previous commitment to halve Ireland's emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action & Low Carbon Act 2015 (as amended) (The Climate Act). CAP25 also underlines the important role the planning regime will play in developing Ireland's renewable energy capacity.

5.8. Climate Action & Low Carbon 2015 (as amended) (The Climate Act)

The Climate Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade.

Section 15 of the Climate Act sets out that;

- (1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—
 - (a) the most recent approved climate action plan,
 - (b) the most recent approved national long term climate action strategy,
 - (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,
 - (d) the furtherance of the national climate objective, and
 - (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to make all decisions in a manner that is **consistent with** the Climate Act.

5.9. Natural Heritage Designations

The appeal site is located approximately 110m east of Slaney River Valley SAC (000781), being the nearest European site to the proposed development, with the next nearest European site being Holdenstown Bog SAC (001757) located approximately 3.1km south of the site.

Corballis Hill proposed Natural Heritage Area (001389) (pNHA) is the nearest pNHA/NHA, located approximately 4.6km west of the site.

The application is accompanied by an AA Screening Report and Natura Impact Statement.

5.10. Water Framework Directive

The European Union Water Framework Directive (WFD) aims to improve water quality and applies to all water bodies. The Directive runs in six-year cycles and is currently in its third cycle 2022 to 2027. Member States are required to achieve 'good' status in all waters and must ensure that status does not deteriorate. The Directive has been given effect by the Surface Water and Groundwater Regulations.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively (refer appendix 5 below).

5.11. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this

report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal (First Party)

A first-party appeal, made by Lidl Ireland GmbH was received on 22 March 2024. A summary of the grounds of appeal is set out within Section 6.1 below.

6.1. Grounds of Appeal

- The PA's refusal reason is not grounded on any material contravention of the CDP.
- The site's re-zoning to town centre and sequential assessment demonstrate the site's suitability for a supermarket. The proposed design is consistent with the definition of a supermarket, and provides an appropriate balance relative to the heritage of the site and its surrounding area.
- The PA gave little weight to objective BALT9, which is pertinent to the appeal grounds and the highlighted needs for a supermarket in the town.
- The site's zoning objective does not obligate the need to provide for all uses on a single site and the proposal adds to the mix of uses within the wider town centre area and contributes to compact growth/densification of an existing greenfield site.
- The appellant provides further details in regard to potential development works outside of this application, including a potential future access to serve adjoining lands to the north and other commercial development so as provide additional enclosure along the R747.
- A revised site layout is submitted with updated revisions made to car parking and site entrance. It is contended that the layout (incl. car parking) is appropriate in achieving the town's status as a 'Self-Sustaining Town'.

- A submitted Architectural Heritage Impact Assessment demonstrates that there will be no direct impacts on Parkmore House and there is no negative impacts on views towards and beyond the site.
- The required inclusion of pedestrian crossing points onto the R747 can be satisfactorily addressed by condition.
- The proposal is consistent with CDP provisions [incl. the Baltinglass - Level 4 Self-Sustaining Town and the County Retail Strategy].
- The roads matters raised within the Area Engineer report are addressed.

6.2. **Planning Authority Response**

A detailed response from the Planning Authority (PA) in relation to this appeal was received on 06 April 2024 which confirms its decision to refuse permission.

The PA expressed its support for the principle of a supermarket/convenience retail store on the subject site and confirmed that the need for a supermarket in Baltinglass is recognised and supported by the provisions of the CDP.

Notwithstanding, and in referencing that the proposal is not consistent with a number of stated policy objectives within the plan, it reiterates that its decision to refuse permission is in the interests of achieving the general vision and objectives set out for the County in the CDP, so that more appropriately designed development which is located on the scarce resource of town centre zoned land in Baltinglass, can be achieved.

The PA put forward that the proponent of a project on such a site, should not focus on a single user/its own single use, unless it can be shown that such a single use is only what can be achieved

6.3. **Observations**

1(no) observation, made by a third-party, Mr. Philip O' Reilly was received in response to this appeal. I note that the observer made two submissions to the PA at application stage. The observer requests that the decision to refuse permission be upheld.

The raised concerns within the observation relate to the local historic and architectural environment of Baltinglass and in particular, Parkmore House (a protected structure), the inefficient use of the subject TC zoned lands, design concerns and that the need for car parking is unsustainable. The observer considers that the town is already well served with similar type development, and that consideration should be given to the refurbishment and restoration of derelict sites within the core town centre as opposed to the subject site.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to this first-party appeal, the observation received, the PA's appeal response submission & reports of the local authority, having visited the site, and having regard to the relevant local/regional/national policies objectives and guidance, I consider that the substantive issues in this third-party appeal to be considered are as follows:

- Principle of Proposed Development
- Siting and Design & Layout
- Roads & Transport Issues
- Procedural/Other Matters.

7.1 Principle of Proposed Development

In the outset, I note that the principle of the use sought is consistent with the site's town centre (TC) zoning objective, which seeks to provide for the development & improvement of appropriate town centre uses, including retail. Its siting at a town centre location and overall size is consistent with the Retail Planning Guidelines for a supermarket. Adopted policy requires that new development be directed into towns in the first instance so as to ensure the continued vibrancy and vitality of town centres (CPO 10.1) and to prioritise actions that enhance uses within the town centre and make town centres an attractive place to live.

Notwithstanding, whilst the CDP recognises 'retail' as a use which is 'generally appropriate' for town centres, I am also cognisant that the compatibility of use is not sufficient on its own to conclude that the proposed development is permissible. The

Board must also consider other relevant policy objectives, standards and requirements of the CDP before such a conclusion may be reached.

In noting to the Board that a retail core area for Baltinglass is not defined within the County's Retail Strategy, I wish to also highlight in the outset that there is no ambiguity within a specific objective of the statutory plan for Baltinglass which seeks -

“to facilitate and support the development of a new supermarket on land zoned town centre that will improve the retail offer for Baltinglass and the surrounding area and will support a healthy and vibrant town centre” (Objective BALT9, Baltinglass Level 4 - Town Plan).

In this regard, while the observer argues that the town is already well served by a supermarket and other stores and in noting that the PA does not dispute that there is an identified need for a supermarket on TC zoned lands in the town, I am satisfied that the principle of a supermarket on the subject site is consistent with the site's landuse zoning and with specific objective BALT9 of the statutory plan and that it would improve the town's existing retail offer.

Furthermore, in broad terms, I would be of a view that the proposed development on the subject underutilised and undeveloped TC zoned lands and which currently have no streetscape presence along the adjoining R747 (Weaver's Square) at this central location, would support a healthy and vibrant town centre. In examining this matter in more detail, I propose to examine the appropriateness of the single use and design sought in this case in terms of its siting, and the vision set out within the plan for the town under separate paragraphs below.

7.2 Siting and Design & Layout

I recognise that the vision for TC zoned lands as prescribed within the CDP is primarily to develop and consolidate the town's existing town centre, to improve its vibrancy and vitality by way of the densification of appropriate developments and which provide an appropriate mix of uses.

In this context, whilst I do not disagree with the PA's view in regard to the need to maximise the efficient use of the subject TC zoned site, I am also mindful of the site's context and site constraints, both of which, in my view, are of particular relevance in

making an informed decision with regard to promoting compact growth and in maximising the efficient use of this zoned and serviceable site.

Accordingly, I consider that matters including architectural heritage, flood risk and urban design insofar as the proposed development would successfully integrate into its surroundings coupled with the need to address existing vacancy, are key considerations in determining whether the proposal constitutes an efficient use of the subject TC zoned lands.

7.2.1 Impact on Architectural Heritage

While the observer contends that the proposal does not respect the site's surrounding character or setting, referring in particular to the impact on Parkmore House (a protected structure), I note that the PA did not raise any issue in regard to architectural heritage within in its reason to refuse permission.

There are no alterations or modifications sought to the protected house itself, however the applicant proposes to alter and part demolish the existing boundary wall to the SE of the house and remove side garden & planting, all of which are integral to the protected structure, so as to facilitate an access from Weaver's Square (R747) into the proposed new development.

Having visited the site and in reviewing the Architectural Heritage Impact Assessment (AHIA) and Supplementary AHIA which accompanied the application, I am satisfied that the proposals to the boundary and garden of Parkmore House are based on a proper knowledge and understanding of the existing protected structure. I consider that the conclusions and recommendations of the AHIA are reasonable and acceptable. Therefore, whilst the proposed development would represent a visual alteration of the subject site, I concur with the applicant's appointed consultants that it would have a negligible impact on the character of the streetscape. I am satisfied that Parkmore House would remain the dominant feature along Weaver's Square. The proposed development of a new access off the R747 would predominantly result in the removal of a significant portion of reconstructed wall which does not form part of the original structural system and whilst I accept that there would be a small loss of historic masonry which is irreversible, it would have a minor negative impact on the protected structure and overall character of the area.

Therefore, and given the extent of landscaping proposed, which incorporates significant additional tree planting, coupled with the retention of key trees to the rear of Parkmore House, I am satisfied that the proposed development, would allow for the development of the subject underutilised lands, in a manner which respects the character and setting of Weaver's Square and Parkmore House and would if permitted, be consistent with the provisions of the plan, including objectives BALT 8, BALT 17 and BALT 18 as it would not have a significant adverse impact on the integrity, heritage value or setting of Parkmore House and the adjoining historic streetscape.

7.2.2 Flood Risk

The River Slaney is the main hydrological feature in this case, and flows in a north-south direction, to the south of the site. The indicative flood zones maps and site specific flood risk assessment (SFRA) undertaken by JBA Consulting which accompanies this application shows that whilst the majority of the site is within Flood Zone C with a low probability of flooding, there are also pockets of the subject site within Flood Zone B, whereby the probability of flooding from the River Slaney is moderate (1 in 100). I also note that the lands which adjoin the west (rear) boundary of the site and which form part of the subject field of which the site form's part are within Flood Zone A, with a high probability of flooding (greater than 1 in 100). For clarity, I note that the Second Planner's Report which examined the applicant's further information response implies that the site is fully within Flood zone C.

Whilst it is not clear as to the reference made by the Planning Officer in relation in to making better use of the site through "increasing the density" as no residential element is sought, I acknowledge that it also refers to the better use of the site through introducing a mix uses. The PA's appeal response submission goes further in that it refers to the justification of a single user/its own single use in such a scenario where it can be shown that such a single use is only what can be achieved.

The Flood Risk guidelines make clear that less vulnerable development, such as retail, might be considered appropriate in flood zone B subject to compliance with other stated requirements, however highly vulnerable development, including houses would generally be considered to be inappropriate unless the requirements of the Justification Test can be met.

In this regard, while I generally accept the PA's views in regard to the need for the prioritisation of compact design which maximises land use on TC zoned lands, In the absence of further details as required under the flood risk guidelines for PA's, I am not convinced that the facilitation of residential is appropriate for this site. Given that the principle of a supermarket is deemed as a less vulnerable development

Given that the site encompasses pockets of Flood Zone B, coupled with the need to address existing vacancy within the town centre, which I propose to consider under separate paragraph below and the supporting objective of facilitating a supermarket on TC zoned lands, I would be of a view that it is reasonable to conclude that the single use sought, being a supermarket is acceptable and that it provides for the efficient use of this site.

For clarity, in examining the nature of the development proposed, a site-specific Flood Risk Assessment undertaken by JBA Consulting which accompanied the application confirms that there would be no increase in flood levels downstream of the site or any increase in risk to sensitive receptors as a result of the proposed development and site layout. The FRA has incorporated climate change and residual risks. A freeboard of 1.64m is provided over the predicted 0.1o/o AEP estimated flood event. I therefore see no reason not to permit the proposed development on the grounds of flood risk.

7.2.3 Impact of design and layout on the streetscape and its surroundings

Whilst I note references within the PA's Planning Report in respect of the proposed entrance width sought along Weaver's Square to serve this development, I wish to highlight that the site is located within an area which transitions from a tighter urban grain to the north of the site within the town centre, to larger plot sizes as the town extends outwards in a southerly direction.

The existing wall which fronts onto Weaver's Square along the subject site's frontage is predominantly comprised of reconstructed stone. The proposed new access would facilitate the development of underutilised lands which currently have no frontage onto Weaver's Square, which is broadly consistent with the PA's development standard that encourages the opening up of new links between sites or from backlands to the street front within the core town centre area (Section 3.2.2, Appendix 1, CDP).

The revised site layout submitted as part of the appeal response which omits car parking which was initially sought along the site entrance road and provides a reduced

road width to 7.5m along with enhanced landscaping, would in my view allow for the proposed development to successfully integrate with the adjoining built fabric and contribute positively to the existing streetscape along Weaver's Square. It is my opinion that the revised site entrance configuration would provide an attractive, active edge along the streetscape and thereby contribute to the enhancement and vibrancy of the area, by adding visual interest without having an adverse negative impact on Parkmore House (a protected structure) or on the character and setting of the street. The setback of the supermarket building within the subject site is necessary given the site's configuration. Its setback and on lands which are at a slightly lower level would also ensure that Parkmore House remains as the dominant, focal point along the street and the proposed supermarket structure itself would not therefore undermine the established streetscape, which is consistent with objective BALT8 of the CDP. The use of natural stone cladding and glazing on the exterior of the proposed new low-profile supermarket building, coupled with appropriate boundary treatment and landscaping would further assist in its successful integration into the subject lands. Whilst I accept that proposed flagpole signage is setback within the site, it is my view that its inclusion is unjustified at this town centre location and that it would amount to visual clutter and set an undesirable precedent, if permitted. I therefore suggest that a condition be attached to any permission granted which clearly states that the flagpole signage proposed be omitted.

The potential for the future development of a coffee shop at the SE corner of the site as shown within a masterplan as part of the appeal submission is noted. Whilst I consider that such a development would positively enhance the streetscape should it be so desirable and permissible in the future, I submit that my assessment on the appropriateness of the design and layout proposed in this case is not contingent on the inclusion of the coffee shop, as this matter lies outside of the subject application.

Subject to compliance with CDP standards on bicycle parking, I concur with the appellant's argument that the proposed layout balances the needs of walkers, cyclists and private car users and therefore, contributes positively to the town and its role and function as a Self-Sustaining Town.

Ultimately, subject to the implementation of the revised site layout which accompanied this appeal, I am of the view that the proposed design and layout is satisfactory and there are no further outstanding matters in this regard, subject to conditions.

7.2.4 Impact on existing town centre vacancy

The plan recognises that Baltinglass has a strong, distinctive urban structure and attractive historic streetscape with a relatively good retail offer in the town centre, but that it also suffers from high levels of vacancy. Following a site visit and on reviewing the submitted Planning Report & Retail Assessment, I am satisfied that its findings in justifying the location of this site are robust and are consistent with the Retail Planning Guidelines which seek to achieve town centre vitality through a sequential approach. The development of a new supermarket on this site is, in my view acceptable, given that there are no existing vacant sites closer to the actual core of the town centre which can accommodate a development of the required size and scale. While the observer makes reference to the mart site as an alternative site, I note that the mart continues to trade within its established site.

Chapter 5 of the CDP which is on Placemaking and Regeneration in Town & Village Centres, outlines the importance of Wicklow's planning policy in being flexible to allow town centres to evolve and diversify. The plan makes clear that a proposal shall be determined on its merits and uses permitted where the use enhances, complements, is ancillary to, or neutral to the zoning objective. In my view, the proposed supermarket on the subject site would provide synergy with established retailers, including SuperValu and Eurospar within the town centre, thereby increasing competition and promote healthy placemaking and increased vibrancy within the town, which would not be materially inconsistent with or detrimental to the site's TC zoning objective and would maintain activity and vitality in the town centre.

Notwithstanding, I am cognisant of the site size and the vision for Baltinglass within the County's settlement strategy. Whilst the principle of a supermarket is in my view acceptable, I consider that the provision of a mix of other compatible uses on this predominantly greenfield site, particularly in the event that such a mix is of small scale retail, may undermine CDP objectives which seek to address existing town centre vacancy. I note that there is no specific CDP provision which necessitates the requirement to provide a mix of uses on this site as part of the proposed development.

7.2.5 Justification of Car Parking

Whilst the PA in its refusal refers to the lack of justification provided for the level of car parking proposed, in my view, it is not unreasonable to expect that a level of car

parking is required, given the role and function of Baltinglass as set out within the County's Settlement Strategy and Retail Strategy, in accommodating a wide rural hinterland, with limited alternative public transport service provisions.

In the outset, I consider that the car parking standard as worded within Table 2.3, Appendix 1 of the plan is somewhat ambiguous as it is not entirely clear as to whether the 4 car spaces per 100m² floor area standard applies to all "Other Retail" including large foodstores in the case of a site within a town/village or if the standard of 1 space per 14m² applies to large foodstores regardless of its location.

Also, whilst the views of the PA in its assessment make clear that it seeks that car parking be reduced, I note that this view may somewhat conflict with the intentions of the CDP. The Planning Officer applies the standard as a maximum as opposed to a minimum standard. Section 2.17 Car parking within Appendix 1 makes clear however that the application of car parking standards set out within Table 2.3 of the plan be applied as a minimum standard instead of a maximum standard unless public transport and parking enforcement is available.

The Planner's Report refers to public transport services in Baltinglass and makes no reference to planning enforcement. A Traffic and Transportation report, undertaken by Stephen Reid Consulting as part of the applicant's appeal submission suggests that there is no clear case to select either a maximum or minimum approach in the application of the standard, given that there is limited public transport and no on-street parking enforcement.

In applying the car parking standard of the CDP as a minimum standard, there is a requirement to provide 161(no) spaces based on its 1 space per 14m² for a large foodstore car parking standard. In responding to the concerns of the PA, the applicant sought to reduce on-site car parking. The appeal submission provides a proposal to further reduce on-site parking to 87(no) spaces from the 111(no) spaces sought at application stage and which was revised downwards to 101(no) spaces at further information stage.

In seeking to address the conflict within regard to the correct application of the CDPs car parking standard, I wish to highlight that Baltinglass is served by a local link, public transport bus service. Further, I consider that it could be argued that the proposal would be consistent with the intentions of the CDP in respect to parking enforcement,

such that the narrow configuration of the adjoining road network and absence of parking bays would ensure that haphazard unregulated car parking would not occur in the vicinity of the development. Accordingly, I am of the view that the application of the PA's car parking standard be applied as a minimum, as opposed to a maximum standard.

In light of the above, I am of the view that the car parking proposed is consistent with the standard set out and would not constitute a material contravention to the plan. I suggest that in the event that the Board was minded to grant permission, that a condition be attached which clearly prescribes that 87(no) spaces only be accommodated within the site.

7.2.6 Overall Conclusion on Efficiency of Use of Lands

Overall, and on balance, it is my view, given the role and function prescribed for Baltinglass town within both the County's settlement strategy and retail strategy, coupled with the need to assess planning matters which are specific to this site that the proposed development, if permitted would constitute an acceptable and efficient use of the subject site and would support a healthy and vibrant town centre.

7.3 Roads & Transport Issues

The Area Engineer in his report dated 12/01/2024 detailed that matters raised in respect of a required autotrack/swept path analysis, footpath & carriageway width and the requirements in respect of a pedestrian crossing on Weaver's Square (R747) could be addressed by way of clarification of further information and I note that the Planning Officer was satisfied that the outstanding issues could be addressed by condition. The Traffic and Transport Report which accompanies the appeal submission addresses each of the raised matters. Based on the information provided, I am of the view that there is no substantial grounds to warrant a refusal based on roads and traffic matters alone. I am satisfied that any outstanding roads matters could be satisfactorily addressed by way of condition should the Board be minded to grant permission.

7.4 Procedural/Other Matters

7.4.1 Impact on Future Access Into Adjoining Lands

Whilst not included in its reason to refuse permission, the PA raised an issue in regard to the need to address an issue in regard to the provision of a future access into existing undeveloped lands located to the west of the proposed site. I note that the applicant has provided for a potential future access off Weaver's Square at the northern side of Parkmore House and provides details on the extent to which it is DMURS compliant within the Traffic and Transportation Report which accompanies the appeal submission.

For the purposes of clarity, I wish to highlight that this potential future access does not form part of the subject application. I wish to also comment that a Specific Local Objective is attached to the adjoining undeveloped lands, within the Baltinglass – Level 4 Town Plan. The specific objective references that these adjoining lands are in part within Flood Zone A and in part within Flood Zone B. In the context of Flood Zone A, only water compatible development is permissible and the CDP is clear in stating same. I consider that the provision of a future access into these adjoining lands is not contingent on securing access through the subject site and I submit there is no objective within the plan which seeks for the reservation and delivery of same. In my view, there are potential alternatives, including an established access serving a car park associated with a public house and 2(no) dwellings located to the east of the subject adjoining undeveloped lands and there is also potential to provide an alternative access into these adjoining lands to the west of the subject site, off Parkmore cul-de-sac road. I therefore see no reason to prejudice the development of the subject lands on the grounds of requiring an access into the adjoining lands.

8.0 AA Screening

8.1 Appropriate Assessment Screening Determination (Stage 1)

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, including a Stage 1 AA screening report that accompanied the application, I conclude that the potential for significant effects on European Site(s), most notably the Slaney River Valley SAC (000781) with a hydrological connection to the overall site cannot be

excluded without further detailed assessment and therefore a Stage 2 Appropriate Assessment is required to be undertaken.

This determination is based on the site's location, and the potential for impacts on the qualifying interests of this SAC in terms of water quality and disturbance of mobile species. [Refer Appendix 3 appended to this report].

8.2 Appropriate Assessment Determination (Stage 2)

In screening the need for Appropriate Assessment, it was determined that the proposed development could potentially result in significant effects on the Slaney River Valley SAC (000781) in view of potential hydrological connectivity and given the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS, including required mitigation and all associated documentation submitted, I consider that adverse effects on the site integrity of the Slaney River Valley SAC (000781) can be excluded in view of this site's conservation objectives and that no reasonable scientific doubt remains as to the absence of such effects. [Refer Appendix 4 appended to this report].

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to

- the nature, siting and design & layout of the proposed development
- the characteristics of the entirety of the site and of its surrounding area
- the provisions of the Wicklow County Development Plan 2022 – 2028 and the Baltinglass – Level 4 Town Plan, in particular Objective BALT9 which provides support for a new supermarket on town centre zoned lands and

- the relevant provisions of the Retail Planning Guidelines for Planning Authorities, the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2012)

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a retail offering which would support a healthy and vibrant town centre in Baltinglass in accordance with the County's Settlement Strategy and Retail Strategy, it would not have a significant adverse impact on the character and amenities of the area or have a significant adverse impact on the streetscape and the heritage value and setting of Parkmore House (a protected structure), it would not pose a significant risk to the environment or have any significant negative effects on water quality 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 18th day of December 2023 to Wicklow County Council, 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. The site layout shall be strictly in accordance with Drawing No. PA-001 submitted to An Bord Pleanála on 22nd March 2024 which provides for 87(no) car spaces along with updated boundary treatment and landscaping of the site, except as may otherwise be required by the Planning Authority.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. Full 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 clarity and visual amenity.

4. 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.

5. The site shall be landscaped strictly in accordance with the updated 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 visual amenity.

6. (a) The proposed flagpole signage is not permitted.

(b) 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 supermarket 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 the protection of residential amenity of adjoining properties.

8. (i) Prior to the commencement of development, all works associated with the provision of the proposed vehicular entrance and footpaths and the inclusion of crossings onto the adjoining R747 shall be agreed in writing with the Planning Authority. The required

works shall be completed in full to the satisfaction of the planning authority and with all associated financial costs to be borne by the developer, prior to the operation of the supermarket.

(ii) A Stage 3 Road Safety Audit shall be submitted to the Planning Authority prior to operation of the development.

(iii) The developer shall comply with bicycle parking standards as set out within the County Development Plan.

Reason: In the interests of traffic safety, visual amenity and the proper planning and development of the area.

9. All service cables associated with the proposed development (such as electrical, and telecommunications) shall be located underground.

Reason: In the interests of visual amenity.

10. 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 and the protection of the environment.

11. 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.

12. Construction and demolition waste shall be managed in accordance with an updated Construction Environmental 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.

13. 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 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.

14. 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.

15. 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.

Paula Hanlon
Planning Inspector

30 May 2025

Form 1 - EIA Pre-Screening

Case Reference	319363-24
Proposed Development Summary	Construction of a supermarket with off-licence and car parking. The development includes works to Parkmore House (a Protected Structure) and all associated site works.
Development Address	Parkmore House, Weaver's Square, Baltinglass East, Baltinglass, Co. Wicklow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10(b)(iv) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended refers to the need for EIA for urban development which would involve an area greater than 2ha in the case of a business district and 10ha in the case of other parts of a built-up area. The site area stated as 1.08ha is significantly below the above thresholds for urban development.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	319363-24
Proposed Development Summary	Construction of a supermarket with off-licence and car parking. The development includes works to Parkmore House (a Protected Structure) and all associated site works.
Development Address	Parkmore House, Weaver's Square, Baltinglass East, Baltinglass, Co. Wicklow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The site area is 1.08ha. It is located in an urban area and on serviceable lands. The proposed development consists of a supermarket building with ancillary on-site surface car parking. Demolition works relate to an existing boundary wall to Parkmore House (a protected structure) which would have a minor negative impact on the protected structure and overall character of the area. No works are sought to Parkmore House itself. The proposal includes the establishment of a new access off Weaver's Square. Overall, the proposal is not exceptional in the context of the existing environment, within the urban area of Baltinglass.</p> <p>As part of the submitted Preliminary CEMP, it is noted that best practice construction measures will be implemented and relevant mitigation measures on hydrology implemented in accordance with CIRIA guidance.</p> <p>No cause for nuisance is envisaged. The preliminary CEMP details that temporary acoustic screening will be employed where excessive noise is foreseen over extended duration.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants. It is detailed that all wastes arising including demolition and construction works will be managed and disposed of in compliance with the provisions of the Waste Management Acts 1996-2013 and the associated Regulations and the Southern Region Waste Management Plan 2015-2021.</p>

	It will not pose risk of accidents or disasters or pose a risk to human health over and above an urban development of this type.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located within an urban area, on zoned and serviceable town centre lands. The lands are located within c.110m of the R. Slaney, a designated European Site. Whilst the majority of the site is on Flood Zone C, there are some pockets of Flood Zone B lands within the site. The supermarket structure will be sited on lands within Flood Zone C. The site encompasses a protected structure (Parkmore House) and will not impact on archaeology. The site has capacity to absorb the proposed development.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site is located on zoned and serviceable lands within an urban area. Wastewater to discharge to the public foul network. Surface water to discharge to a new surface water collection network, collecting surface water run-off through roof gutters/downpipes and gullies, along with a network of rainwater gardens, a swale, and a Cellweb tree root protection system, located around the site to the design levels proposed for the finished car park layout. Having regard to the characteristics of the development and the sensitivity of its location, it is considered that there is no real likelihood for significant effects on environmental parameters and on the environment given the nature & extent, magnitude and duration of the project.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	Yes - EIA is not required.

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No
There is a real likelihood of significant effects on the environment.	No

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Screening for AA

Finding of likely significant effects

Screening for Appropriate Assessment Test for likely significant effects

1: Description of the project and local site characteristics

Case file: ABP 321599-25

<p>Brief description of project</p>	<p>Construct a new supermarket (2,260m²) with associated on-site car parking and all associated works.</p> <p>A detailed description of the proposed development is provided in Section 2 of the Inspector's report and detailed specifications of the proposal are provided in the AA screening report/ NIS and other planning documents provided by the applicant.</p> <p>These works sought are located outside of any European site. The nearest European site is the Slaney River Valley SAC (000781), located c.110m west of the proposed development. The next nearest European site being Holdenstown Bog SAC (001757) is located approximately 3.1km south of the site.</p> <p>Site access would be undertaken by way of using the local public road network and proposed development of a new access off the R747 to serve this development.</p>
<p>Brief description of development site characteristics and potential impact mechanisms</p>	<p>The site is located within the plan boundary area of the Baltinglass – Level 4 Town Plan. The western and SW extent of the site lies in greenfield and is generally lowlying lands. The topography of the site and wider lands gently fall towards the River Slaney which flows in a north-south direction, c.110m from the site. Established residential development, community and town centre uses lie on adjoining lands.</p> <p>The overall site area is predominantly within Flood Zone C, with some pockets of Flood zoned B also within the site boundary.</p> <p>There is potential for surface water runoff and pollution to enter the watercourse and impact downstream of the proposed development.</p> <p>The connections to the existing drainage infrastructure will be made on the road network within the Slaney River Valley SAC and to the public wastewater network.</p>

Screening report	Yes (Prepared by Altemar Marine & Environmental Consultancy)
Natura Impact Statement	Yes (Prepared by Altemar Marine & Environmental Consultancy)
Relevant submissions	None of relevance to Appropriate Assessment.
[Additional information]: *where relevant and appropriate	None

2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included both European sites in its screening consideration.

European Site (code)	Qualifying interests ¹ (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections ²	Consider further in screening ³ Y/N
Slaney River Valley SAC (000781)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion,</p>	110 metres	Feasible impact on water quality and the associated QIs	Y

	<p>Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p> <p>Slaney River Valley SAC National Parks & Wildlife Service</p>			
Holdenstown Bog SAC (001757)	<p>Transition mires and quaking bogs [7140]</p> <p>Holdenstown Bog SAC National Parks & Wildlife Service</p>	3.1km	No Feasible impact	N

I have attached link to site details which outlines the Conservation Objectives and qualifying interests of the above two listed European sites of relevance in this case, as provided by NPWS.

3. Describe the likely effects of the of the project (if any, alone or in combination) on European Sites

Holdenstown Bog SAC (001757)

Given the nature and extent of works sought and the spatial separation distance, in excess of 3.1km, with no feasible hydrological connection, I conclude that the proposed development will

not result in any direct or indirect effects on Holdenstown Bog SAC (001757), in view of its qualifying interests (refer table above) and its conservation objective – to maintain the favourable conservation condition of Transition mires and quaking bogs in Holdenstown Bog SAC, which is defined by a provided list of attributes and targets.

Therefore, there is no likelihood of effects occurring on Holdenstown Bog SAC, either alone or in-combination with other projects.

Slaney River Valley SAC (000781)

There is a direct pathway to this European site, given the siting and nature of the works sought within 110m from the River Slaney, which is within the designated Slaney River Valley SAC. There is potential for ex-situ impacts on mobile species such as otter and a potential hydrological pathway between the proposed works and the SAC at construction stage which requires further consideration. The potential for direct and/or indirect adverse effects are also anticipated during the operational phase of the Proposed Development as the connections to the existing drainage infrastructure will be made on the road network within the Slaney River Valley SAC.

Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Slaney River Valley SAC (000781)	<ul style="list-style-type: none"> Water quality impacts at construction stage via accidental release of pollutants Disturbance to mobile species at construction stage. There is potential for direct and/or indirect adverse effects anticipated during the operational phase of the Proposed Development due to potential accidental release of pollutants. 	<p>Negative effect on water quality within the River Slaney, within the designated Slaney River Valley SAC with an associated disturbance of qualifying interest (QI) species.</p> <p>Disturbance to mobile species at construction stage due to construction activities (incl. noise, and vibration etc.).</p>
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects

Holdenstown Bog SAC (001757)	None	None as there are no feasible hydrological or ecological pathways
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

4: Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided within the applicant's Stage 1 Screening Report, and in reviewing the conservation objectives and supporting documents of the relevant European Sites, I consider that the proposed development has the potential to result in significant effects on the conservation objectives of the Slaney River Valley SAC (000781).

This determination is based on the need to apply the precautionary approach and the potential for impacts on the qualifying interests of this SAC in terms of water quality and on ex-situ impacts on mobile species such as otter, when considered as a project on its own and in-combination with other projects and plans.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Slaney River Valley SAC (000781) in view of its conservation objectives on a number of qualifying interest features of this site.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed supermarket and associated works in view of the relevant conservation objectives of the Slaney River Valley SAC (000781), based on scientific information provided by the applicant.

The information relied upon includes the following:

- Stage 1 Screening for Appropriate Assessment report prepared by Altamar Marine & Environmental Consultancy
- Natura Impact Statement prepared by Altamar Marine & Environmental Consultancy.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS. There are mitigation measures designed to avoid or reduce any adverse effects on site integrity included within the applicant's NIS (refer Table 9 – Mitigation Measures) as part of the submitted application.

Submissions/observations

Public observation(s) [At Application Stage by a Third Party]

No submission raised the matter of appropriate assessment in regard to likely effects of the proposed development on the Slaney River Valley SAC (000781).

The matter of AA was not raised within the third-party observation received at application stage.

European site: Slaney River Valley SAC (000781)

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant-summary)	Potential adverse effects	Mitigation measures
Estuaries [1130] Water courses of plain to montane levels with the Ranunculus	The targets and attributes for the identified QI's can be	<ul style="list-style-type: none"> • Water quality impacts (direct and indirect) at construction and operational stage 	<i>The required mitigation measures are set out within Table 9 – Mitigation Measures of the applicant's NIS.</i>

<p>fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Slaney River Valley SAC National Parks & Wildlife Service</p>	<p>found at the following link:</p> <p>Slaney River Valley SAC National Parks & Wildlife Service</p>	<p>via accidental release of pollutants and groundwater interference which may potentially impact on the site's QI's.</p> <ul style="list-style-type: none"> Disturbance to mobile species at construction stage. 	<p><i>The mitigation measures also include best practice construction standards.</i></p>
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Assessment

I have undertaken a site visit and examined the documentation received, including the submitted NIS and associated documentation (including preliminary CEMP). I note in the outset that the proposed site is outside of the European site and that wastewater generated will be disposed of via a connection to the public foul network.

The applicant's AA screening concluded that there is potential for affects on the Slaney River Valley SAC (000781) at construction stage. I consider that such affects may occur via accidental release of pollutants, groundwater interference and disturbance of qualifying interest (QI) species. The PA's AA screening also concluded that there is potential for likely significant effects on the Slaney River Valley SAC.

The closest EPA-mapped waterbody is the River Slaney, which itself is a designated European site, located c.110m from the proposed development. There are no other hydrological links attached to the site.

The likely affects to water quality at construction stage via accidental release of pollutants and groundwater interference which may potentially impact on the site's QI's can be sufficiently addressed by way of incorporating mitigation measures. Further, the potential for disturbance to QIs mobile species at construction stage can be sufficiently addressed by way of incorporating mitigation measures, as referenced in detail, within Table 9 – Mitigation Measures of the NIS.

In terms of at operational stage, surface water is proposed to discharge to a new surface water collection network, collecting surface water run-off through roof gutters/downpipes and gullies, along with a network of rainwater gardens, a swale, and a Cellweb tree root protection system, located around the site to the design levels proposed for the finished car park layout. An interceptor is sought as part of the scheme. An existing septic tank which serves Parkmore House is to be decommissioned and a connection to the public foul sewer will take wastewater from the house and supermarket,

Subject to the implementation of required mitigation at operational stage, no direct and/or indirect adverse effects are anticipated during the operational phase of the Proposed Development.

Mitigation measures and conditions

The stated mitigation measures set out within Table 9 – Mitigation Measures of the applicant's NIS are necessary, some of which do not extend beyond best practice construction methods.

Potential for In-combination effects

The applicant has demonstrated that no significant residual effects will remain due to the construction and operation of the proposed development that could act in-combination with other plans and projects to generate significant effects on the Slaney River Valley SAC (000781)

in view of its conservation objectives. The proposed development is deemed to have no impact pathways within the Zone of influence.

Findings and Conclusions

The applicant determined that the construction and operation of the proposed development alone, or in combination with other plans and projects, would not adversely affect the integrity of the Slaney River Valley SAC in view of its qualifying interests and conservation objectives.

Based on the information provided, and subject to the implementation of required mitigation measures, including best practice construction methods, I am satisfied that adverse effects arising from the proposed development can be excluded. No significant in combination effects are predicated.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation Objectives of the Slaney River Valley SAC (000781) subject to the implementation of required mitigation measures and best practice construction methods. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Slaney River Valley SAC (000781) in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on the site integrity of the Slaney River Valley SAC (000781) can be excluded in view of its conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts arising from the proposed construction of a new supermarket, ancillary car park and all associated works.
- Nature and Scale of the works proposed and 110m spatial separation from the qualifying interests of Slaney River Valley SAC (000781).
- The proposed development will not affect the attainment of conservation objectives for the Slaney River Valley SAC (000781) which seeks to maintain and/or restore favourable conservation condition of QIs in the Slaney River Valley SAC (000781).

Appendix 5

Appendix 3		WFD IMPACT ASSESSMENT STAGE 1: SCREENING	
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-319363	Townland, address	Parkmore House, Weaver's Square, Baltinglass East, Baltinglass, Co. Wicklow
Description of project		Construct a new supermarket (2,260m2) with associated on-site car parking and all associated works.	
Brief site description, relevant to WFD Screening		The site is located in an urban area within the plan boundary of Baltinglass, Co. Wicklow. The ground levels across the site are generally level fall gently downwards towards the River Slaney. The site is predominantly within Flood Zone C, with some pockets of Flood Zone B also within the site. It is within an area overlain on alluvium subsoils, post glacial sand and gravel deposits as listed on GIS available mapdata. An existing watercourse, the River Slaney lies c.110m west of the site and flows in a north-south direction. There are no other hydrological links attached to the site.	
Proposed surface water details		Provision of a new surface water collection network, collecting surface water run-off through roof gutters/downpipes and gullies, along with a network of	

			rainwater gardens, a swale, and a Cellweb tree root protection system, located around the site to the design levels proposed for the finished car park layout.			
Proposed water supply source & available capacity			Public supply with capacity to accommodate the proposed development.			
Proposed wastewater treatment system & available capacity, other issues			Proposed decommissioning of an existing septic tank and connection of Parkmore House and new supermarket to the public foul network.			
Others Matters			N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature
River Slaney	110m east of river	SLANEY_060 WFD Sub Catchments	Moderate [2013-	At risk due to Moderate	Urban Run-off	Clean Surface water run-off. Proposed site drainage to road.

		Slaney_SC_020	2018IE_SE_12S020800]	Ground waterbody WFD status is good.	biological status (2019)		
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Construction stage – risk	Slaney_SC_020	Potential for hydrological	Surface water pollution /	Best practice	No	Screened out . [Refer determination

	release of accidental spillage/ pollutants and groundwater interference		pathway / indirect impact	spillages into River	construction methods		within Section 5.10 above.
OPERATIONAL PHASE							
3.		Slaney_SC_0 20	Potential for hydrological pathway / indirect impact	Surface water pollution / Hydrocarbon spillages	None	No	Screened out [Refer determination within Section 5.10 above].
4.							
DECOMMISSIONING PHASE							
5.	N/A						