



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-322223-25**

### Development

Construction of a single storey discount food store comprising a gross floor area of 1908sq.m and all associated site works. A Natura Impact Statement has been submitted.

### Location

Castlebar Road & Kiltimagh Road,  
Newpark & Swinford townlands,  
Swinford, Co. Mayo.

### Planning Authority

Mayo County Council.

### Planning Authority Reg. Ref.

2460181

### Applicant(s)

Aldi Stores (Ireland) Ltd.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party

### Appellant(s)

Aldi Stores (Ireland) Ltd.

### Observer(s)

Susie Moore.

Yvonne Moore.

Derek Kennedy.

Joe Mellett.

Tom and Diane Lowin.

Michelle Howie.

Brian Corbett.

**Date of Site Inspection**

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**Inspector**

Kathy Tuck

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## **1.0 Site Location and Description**

- 1.1. The subject site which has a stated area of c.0.86ha is situated on the Kiltimagh Road, Swinford, Co, Mayo. The site is located approximately c.450m to the south of Swinford Town Centre. The site is currently undeveloped and greenfield in nature.
- 1.2. The site shares its northern boundary of the Castlebar Road and comprises a row of mature trees. The Beech Park housing development is located immediately south and southwest of the site. There is an existing detached dwelling house immediately west of the application site and there is a terrace of three dwelling houses, and small car park to the east and north-east of the application site, towards, and at, the junction of the Kiltimagh Road and old Castlebar road.
- 1.3. The Tesco retail park, along with the GAA club and the Swinford Amenity Track/Amenity Park are located to the southeast of the application site on the opposite side of the Kiltimagh Road (R320).

## **2.0 Proposed Development**

- 2.1. Permission is sought for the provision of a single storey food-store which has a stated total gross floor area of 1908sq.m and a net retail area of 1,356sq.m. The proposed building has a width of c.30.99m, a length of c.63.064m and is finished with a flat roof profile with a ridge leave of c.6.27m and includes for internal plant room, warehouse area, freezer store, chiller store, ancillary office area and staff room.
- 2.2. It is proposed to provide for vehicular access to the site via the Castlebar Road and an additional vehicular and one no. pedestrian access from Kiltimagh Road.
- 2.3. Permission is also sought to provide for 112 no. car parking spaces including 7 no. disabled accessible bays, 9 no. family bays, 4 no. electric vehicle bays and 18 no. cycle spaces; erection of internally mounted illuminated signage (two no.) and totem pole mounted external signage (two no.); the provision of roof mounted solar panels (90sq.m) and erection of associated ESB sub-station (22sq.m); provision of landscaping, boundary treatments, trolley bay, bin storage, external plant enclosure,

loading bay, connection to existing services; and all other ancillary works necessary to facilitate the proposed development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority, following a request for further information, issued a decision to refuse permission on the 13<sup>th</sup> March 2025 for the following reasons:

1. Having regard to the location of the proposed development outside of the “Core Shopping Area” as per Map SD2 of the Mayo County Development Plan 2022-2028, it is considered that the proposed development, if granted, would have an adverse impact on the vitality, viability and attractiveness of the existing traditional town centre of Swinford, and if permitted would result in an over-concentration of retail development, both convenience and comparison in this area of Swinford town, and would materially contravene retail policy EDP 10 of the Mayo County Development Plan (Volume 1) 2022-2028, which aims to support the vitality and viability of existing town and village centres and facilitate a competitive and healthy environment for the retailing sector into the future.

Therefore, the proposed development would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. It has not been satisfactorily demonstrated to the Planning Authority how HGV traffic will safely access and egress the site from the serving public road, and therefore the development could endanger public safety by reason of a traffic hazard and is therefore deemed to be contrary to the proper planning and sustainable development of the area.
3. It has not been satisfactorily demonstrated to the Planning Authority how the proposed development promotes pedestrian connectivity with the existing town centre, and would materially contravene Integrated Land Use and Transportation Policy MTP 3 of the Mayo County Development Plan 2022-2028, which states retail policy EDP 10 of the Mayo County Development Plan (Volume 1) 2022-2028, which aims to support and facilitate any ‘Smarter Travel’

initiatives that will improve sustainable transportation within the county, including public transport, electric and hybrid vehicles, car clubs, public bike schemes, improved pedestrian and cycling facilities, as appropriate. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

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

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

The 1<sup>st</sup> report of the Planning Officer sets out details of the site location, proposed development, planning history of the site, summary of submissions/observations received, details of internal and external consultation reports, relevant local planning policy, and provides for an EIA and AA Screening determination.

The assessment noted concerns over the lack justification for the proposed retail use on the subject site submitted, traffic and pedestrian safety, building design, and archaeology. As such the following request for further information was issued on the 20<sup>th</sup> May 2024:

1. Considered that the proposed development may be better located on the northern side of the traditional town centre, in order to give better balance to the retail offer serving the town. Additionally, there is a lack of retail connectivity between the site and the traditional town centre. Please address the concerns of the Planning Authority in this regard.
2. Provide a breakdown of the 1356m<sup>2</sup> retail floorspace, between convenience and comparison floorspace, and provide a rationale for same.
3. Submit an archaeological assessment.
4. The elevational and boundary treatment proposals to both major elevations facing both Castlebar and Kiltimagh roads require amendment. Please contact the Municipal District Architect in relation to revised treatment of scale/massing and material usage.
5. Traffic and pedestrian safety concerns:
  - I. Peak traffic period considered in the traffic Impact Assessment report was from 15:00 to 19:00 on a weekday and this would appear to not

account for the main peak periods at this location in Swinford town. Peak traffic times specific to Swinford and the site's vicinity include Friday lunchtime and Saturday mornings and weekday mornings at c.9am. Please amend the traffic impact assessment for the proposed development accordingly.

- II. Proposed access onto the Kiltimagh road (R320) should be a pedestrian/cyclist access only, due to the anticipated vehicular traffic volumes, the proposed unfavourable left/right stagger of the junctions on either side of the road, and the conflicts with the other existing busy junction across from this proposed access. There already is a proposed vehicular access onto the Aldi site at the less trafficked L1311 Meelick road (Beechpark), which would prove much safer as the main vehicular entrance to the site, create better traffic flow for the town and reduce the potential traffic hazards. It would also not be in the interest of traffic safety to have two vehicular entrances onto the proposed site, as these could be used as a rat run or unofficial through road. If the vehicular entrance onto the R320 is to be considered, then we would deem that a roundabout linking the two junctions either side of the R320 would be a safer option to avoid traffic hazards and conflicts. Please submit a revised site layout plan taking the above comments into consideration.
- III. Please demonstrate how the safe passage of pedestrians and cyclists to and from the site from the surrounding areas has been considered. In particular, please consider the potential volume of pedestrians coming from the amenities and housing estates on the southeast side of the R320 road. Has a safe active travel route across the busy regional road the R320 been considered? Please address the concerns of the Planning Authority in this regard.
- IV. Please submit revised proposals demonstrating compliance with the following:
  - a) Road Safety Audit – TII Standards GE-STY-01024 / GE-STY-01027 and GE-STY-01025



- b) Quality Audit – see DMURS Advice Note 4 - Quality Audits, May 2019.
  - c) Walkability Audit – Locality - see 'Universal Design – Walkability Audit Too for Roads and Streets' NTA, and similar guidelines.
- V. In relation to the junction of L5380 / R320, please assess the anticipated increase in traffic movements as a result of the proposed development, and respond accordingly via junction tightening detail or equivalent (as per DMURS Advice Note 6 Priority Junction Tightening Measures, June 2023) if facilitating pedestrian movement and safety across the junction.
  - VI. Confirm that turning movements for large delivery vehicles are catered for within the site on a drive in – reverse to unload – drive out basis, (i.e. no turning / reversing from the public road).
  - VII. Adjacent to Parking space 112, improved alignment (90 degree) is required in order facilitate safer movement.
  - VIII. Provide a draft 'Construction stage Traffic Mgt. Plan' to be agreed with Municipal District Area Engineer. Issues to be addressed include, but are not restricted to wheel wash / road cleaning and local traffic routing and management.
  - IX. Identify on a Site Layout Plan, all road crossings / trenches in existing roads network (i.e. utility connections and routing) required for the proposed development.

The applicant submitted the following response on the 18<sup>th</sup> February 2025:

1. Analysis suggests that there is no comparison retail located in the vicinity of the application site. Ground floor comparison retail uses are not prevalent until after the junction of Station Road and Market Street when travelling northward from the application site. Therefore, the applicant understand that MCC's concern relates to the over concentration of 'convenience retail' development in this area of the town, outside the 'traditional core town centre'. It is also unclear how MCC can identify a 'lack of retail connectivity' to the application site if there is also an 'over-concentration of retail development, both convenience and

comparison in this area of Swinford town'. Arguably, any town or city centre, by its nature, represents a concentration of retail development.

The RIS which accompanied the planning application, the 'traditional core town centre' in Swinford cannot accommodate a modern large-scale convenience retail development without the requirement for significant site assembly, demolition and potential impacts on the traditional and established street frontage pattern. Therefore, modern large-scale convenience retail development in Swinford must be accommodated on suitably zoned lands (i.e. Town Centre) which adjoin the 'traditional town centre'. While MCC may have a preference to see new convenience retail development occur on lands north of the town centre, this does not alter the fact that the proposed development accords with the principles of proper planning and sustainable development nor should it preclude the proposed development from taking place on the application site.

2. The proposed breakdown of retail floor space would provide for the following:
  - Ambient Food – 45%
  - SpecialBuys – 19%
  - Chilled Foods & Produce – 18%
  - Frozen Foods – 7%
  - Ambient Produce – 6%
  - Beer, Wine & Spirits – 5%
3. Archaeological Testing Report prepared by John Cronin & Associates submitted and consultation was undertaken with the Councils Archaeologist was undertaken.
4. Dedy Gahan Architects, has liaised with the Municipal District Architect to revise the elevations and boundary treatments. Revised drawings have been prepared in response and submitted.
5. Traffic Report as Response prepared by TPS M Moran & Associates. This report responds to all items set out in Further Information Request No. 5.

### 3.2.2. Other Technical Reports

### **Archaeology:**

- 1st report - seeking an archaeological assessment to be submitted.
- 2nd Report – states that it does not occur with the findings of the assessment submitted with regard to the programme of archaeological testing should be carried out.
- 3<sup>rd</sup> report dated the 4<sup>th</sup> march 2025 – States that the archaeological evaluation of the site was significantly restricted by challenging ground conditions and trench depths and as such, a comprehensive archaeological evaluation of the site was not possible”. Thus, I agree with the author that all groundworks associated with the proposed development should be monitored by a suitably qualified archaeologist.

### **Architects**

Report dated 15<sup>th</sup> May 2024: Seeking further information

- question whether this is an appropriately sized development on this particular site and whether this is in fact the right type of development at this particular location.
- number of existing entry and exit points of nearby residential and community facilities ( church/school/Gardai) and another major food retailer entry point across the road - health and safety concerns regarding the location and site layout that allows for dual entry exit points through the proposed site.
- Concern over the movement of retail away from the town core and onto peripheral sites which take away consumer footfall from the town and in turn removes regenerative potential possibilities- plans for which are currently in motion for this town.
- external aesthetic of the building proposed does not sit well within the immediate context of the site. elevational and boundary treatment proposals to both major elevations facing both Castlebar and Kiltimagh roads require amendment. The galvanised look cladding finish and colours proposed are not acceptable and the applicant should make contact with the MD architect in relation to more appropriate treatment of scale/massing and material usage.

### **Area Engineer**

- Report dated 25<sup>th</sup> April 2024: Seeking further information as set out under point 5 of section 3.2.1 of my report above.
- Report Dated 11<sup>th</sup> March 2025 recommends that a decision be deferred as e 2 No. site layouts submitted as part of the FI response show deliveries to the site, its unclear from the documents submitted, if 2 options are provided or a combination of vehicle manoeuvres. Delivers to the site appear to be very restricted regarding access and appear to be unsafe. Revised site plan needed.

### **3.3. Prescribed Bodies**

None received.

### **3.4. Third Party Observations**

The Planning Authority received a number of submissions. Concerns raised can be summarised as follows:

- Impact on vitality of Swinford Town.
- Proposal will exacerbate the challenges already faced by local businesses, leading to further closures and an increase of vacant storefronts.
- Proposal will divert foot traffic away from the town centre.
- Threatens to compound the decline in community, extinguishing any hope of a vibrant future for Swinford.
- Proposed location proximate to residential areas, a major retail outlet like Tesco, and a church with an adjacent school raises serious concerns about traffic congestion.
- Detrimental effect on the few business outlets that remain trading in what was once a thriving and vibrant town.
- Contravene “Our Rural Future – Irelands Rural Development Policy 2021-2025”.
-

## 4.0 Planning History

None pertaining to the subject site.

### Lands to the east

PA Ref 042169      Permission REFUSED on appeal to An Bord Pleanála (ABP. 16.213588) for the construction of 26 houses, 19 apartment units and a shopping centre. Reason for refusal was as follows:

1. The proposed development, which includes a substantial amount of residential development in a backland location on this site which has established commercial use and which has a proposed zoning in the most recent draft Development Plan (1997) for town centre/commercial activities, would result in haphazard, disorderly development with resultant conflicting traffic movements and would conflict with the overall comprehensive redevelopment of the site for commercial development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, which includes 297 square metres of small individual retail units, would have an adverse impact on the vitality and viability of existing small retail units in the town centre. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development, which includes residential units at first floor above the retail element, would, by reason of the design of these units, fail to provide an adequate standard of residential amenity for future occupants, in particular in relation to access, private open space and its proximity to plant serving the retail space below. The proposed development would, therefore, be

contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Regional Spatial and Economic Strategy (RSES) 2020 - 2032, Northern and Western Regional Assembly.**

- RPO 4.45 - Support retail in town and village centres through the sequential approach, as provided within the Retail Guidelines, and to encourage appropriate development formats within the town and village centres
- RPO 4.46 - Encourage new (and expanding) retail developments to locate close to public transport corridors, to enable sustainable travel to and from our Town and Village Centres, where applicable.

### **5.2. Ministerial Guidelines**

5.2.1. Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Development Management Guidelines for Planning Authorities, 2007, (DoEHLG).
- The Planning System and Flood Risk Management, 2009, including the associated Technical Appendices (DoHLGH).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010, (DoEHLG).
- Retail Planning Guidelines for Planning Authorities, 2012, (DoECLG), and accompanying Retail Design Manual.
- Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012 (DoHLGH).

**Other National Guidance:**

- Traffic and Transport Assessment Guidelines, May 2014 (Transport Infrastructure Ireland – TII).
- Road Safety Audit GE-STY-01024, December 2017 (Transport Infrastructure Ireland – TII).
- Design Manual for Urban Roads and Streets, 2019, (Department of Transport, Tourism, Sport and Department of Environment, Community and Local Government).

### 5.3. Mayo County Development Plan 2022-2028

Swinford is identified as a tier ii Self-Sustaining Growth Town within table 2.5 The Retail Hierarchy of the Core Strategy of the Mayo County Development Plan 2022-2028. Self-Sustaining Growth towns are defined as towns that have a moderate level of jobs and services with capacity for continued commensurate growth, in order to become more self-sustaining. On an individual level, it is considered that Swinford also merits inclusion based on its strategic location on the N5, along the Atlantic Economic Corridor and in close proximity to Ireland West Airport Knock and the Key Towns of Ballina and Castlebar.

*Policy SPP3:* Promote commensurate population and employment growth in the designated Self-Sustaining Towns, providing for natural increases and to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available.

The subject site is zoned under Objective - Town Centre which seeks to maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses.

#### Relevant Sections:

#### Chapter 4 – Economic Development

Objective EDO 5 To encourage enterprise and employment development to locate in brownfield sites or unoccupied buildings in town centres or where appropriate in existing industrial/retail parks or other brownfield industrial sites in preference to undeveloped zoned or unzoned lands.

Objective EDO 14 To ensure that people intensive developments are located close to the strategic public transport network.

#### Section 4.4.6 - Retail

Policy EDP 10 To support the vitality and viability of existing town and village centres and facilitate a competitive and healthy environment for the retailing sector into the future, by ensuring that future growth in retail floorspace responds to the identified settlement hierarchy, the sequential approach, the appropriate protection of the built environment and the needs of the projected population of the settlement area.

Policy EDP 12 To promote the reuse of vacant floorspace. Alternative uses shall be assessed on their own merits against the requirements of the proper planning and sustainable development of the area.

Policy EDP 13 To support and promote the retail sector in the county and ensure compliance with the Retail Planning Guidelines for Planning Authorities DoECLG (April 2012) and Retail Design Manual DoECLG (April 2012) or any amended or superseding version of the guidelines and design manual.

Policy EDP 14 To promote the reuse or reactivation of vacant underutilised properties/shop units, in order to assist with the regeneration of streets and settlements in the county.

Objective EDO41 To implement/review the Mayo County Retail Strategy in accordance with the Retail Planning Guidelines 2012, as amended or superseded, within 3 no. years of the final adoption of the Mayo County Development Plan.

Objective EDO42 To promote and reinforce all town centres in the county as primary shopping areas.

Objective EDO43 To adhere to the principle of 'sequential approach' in the consideration of retail applications located outside of core retail areas.



- Objective EDO44 To ensure proposals for retail development in towns and villages make a positive contribution to the general townscape through the promotion of excellence in urban design, signage, consideration of the built heritage; and designed to a scale appropriate to the settlement.
- Objective EDO45 To continue to implement and facilitate environmental, amenity and recreational improvements to the public realm, in existing town and village core retail areas.
- Objective EDO48 To support retail in town and village centres through the sequential approach, as provided within the Retail Guidelines, and to encourage appropriate development formats within the town and village centres.
- Objective EDO49 To encourage new (and expanding) retail developments to locate close to public transport corridors, to enable sustainable travel to and from our town and village centres, where applicable.

#### Chapter 6 – Movement and Transport.

- Policy MTP 3 To support and facilitate any ‘Smarter Travel’ initiatives that will improve sustainable transportation within the county, including public transport, electric and hybrid vehicles, car clubs, public bike schemes, improved pedestrian and cycling facilities, as appropriate.
- Policy MTO 11 To encourage, where appropriate, the incorporation of safe and efficient cycleways, accessible footpaths and pedestrian routes into the design schemes for town/ neighbourhood centres, residential, educational, employment, recreational developments and other uses, with the design informed by published design manuals, including the Design Manual for Urban Roads, Streets and the NTA Cycle Manual and TII Standard DN-GEO-03084 ‘The Treatment of Transition Zones to Towns and Villages on National Roads, or any amending/superseding national guidance or manuals.

Objective MTO2 To ensure that planning applications for large scale developments that are significant trip intensive generators are accompanied by a Mobility Management Plan.

Objective MTO4 To increase cycling usage in Tier I and Tier II settlements in line with the national average (2016).

### Chapter 9 - Built Environment.

### *Chapter 11 – Climate Action and Renewable Energy.*

### *Chapter 12 – Settlement Plans*

#### Section 12.8 Swinford

Policy SDP 1 To promote the development of Swinford as a driver of economic growth for the east region of Mayo and fulfil its role as a designated Self-Sustaining Growth Town.

Objective SDO 4 To develop the local economy by encouraging additional healthcare and pharmaceutical industries in the town and to promote the clustering of such industries on suitably zoned land.

Objective SDO 10 To encourage development in the town of Swinford in accordance with the Land Use Zoning Map.

### *Volume 2 – Development Management Standards*

### Chapter 5 – Enterprise and Employment

#### Section 5.2 Retail Commercial Development

#### Section 5.4 Plot Ratio

#### Section 5.5 Site Coverage

## **5.4. Natural Heritage Designations**

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c. 2.8km to the east, 2.6km to the south and 5.9km to the west of the River Moy SAC (site code 002295). In addition, the site is located 12.6km to the east of the Lough Conn and Lough Cullin SPA (site code 004328).

## 6.0 EIA Screening

- 6.1. The scale of the proposed development is under the thresholds set out within Class 10 (b), Schedule 5 (Part 2) of the Planning and Development Regulations, 2001, as amended which deals with urban developments ((iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres (iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area<sup>3</sup> and 20ha elsewhere.) and I do not consider that any characteristics or locational aspects (Schedule 7) apply.
- 6.2. I therefore conclude that the need for environmental impact assessment can be excluded at preliminary examination. Please refer to Appendix 1 and Appendix 2 of my report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

This is a first party appeal against the decision of Mayo County Council to refuse permission. The grounds of the appeal can be summarised as follows:

1. Response to reason for refusal no. 1

- Wording concludes location of appeal site outside the of the Core Shopping Area will have an adverse effect on vitality, viability and attractiveness of the existing Town Centre.
- Wording is a contradiction to the assessment of the Planning Officer as it is stated that there are sites outside the core shopping area to the north which could accommodate the proposal without adverse effects.
- Not clear as to why one site outside the core shopping area would have adverse effects and the other wouldn't.
- No concise rationale put forth in the Planning Officers report for this position only the following:
  - *The Retail Planning Guidelines (RPGs) emphasis the importance of a plan led approach to retail planning, and irrespective of the town centre zoning objective*

*pertaining to the site in this case, it is nevertheless located at considerable distance from the identified “Core Shopping Area”. (pg 3 Planning Officer Report dated 13/03/2025).*

- *The Retail Planning Guidelines Sequential approach cannot be the only assessment tool used in determining the location of such retail developments in smaller towns., Other factors must be considered, such as what the impact on the traditional established town centre will be, and whether the proposal will result in a balance provision of retail development. (pg 3 Planning Officer Report dated 13/03/2025).*

#### *Plan Led Approach*

- Site is zoned Town Centre – Supermarkets listed as ‘Uses Generally Permitted’.
- Proposed development accords with the S.28 Guidelines – Retail Planning Guidelines, 2012.
- Planning Officers report espouses importance of plan led approach yet sets out sequential approach cannot be the only assessment.
- Basis for the refusal is not plan led in the context of the proposal at this location.

#### *Distance to Core Shopping Area*

- Assessment of Retail for Refusal does not state how the location of proposal would have a detrimental impact on the vitality, viability and attractiveness of the Town Centre.
- Objective EDO 42 sets out s description of Primary Shopping Area.
- Objective EDO 43 refers to Core Retail Areas.
- MAP SD2 – introduces the term Core Shopping Area.
- As per EDO 42 “all town centres” – Considered that this relates to all land zoned town centre.
- If lands which are zoned Town Centre are not considered to be part of the town centre then why were they zoned as such.
- Confusion over the language used – Map SD2 denotes core shopping area with no reference to primary shopping area (Objective EDO 42).

- Objective EDO 43 – difficult to say if appeal site is within the ‘core retail area’ as no definition provided for within the Development Plan while Map SD2 denotes a core shopping area.
- If the Planning Authority specifically intended to require the adoption of the sequential approach outside of the Core Shopping Area then Objective EDO 43 would say so – instead it makes reference to the ‘core retail area’ which is interpret to mean the combined extent of both inner and outer town centre lands.
- Given the Local Authorities clear concern over the location of the appeal site, if it was deemed to contravene EDO 43 then the planners report and decision would have indicated same.
- It is therefore assumed that the appeal site is located within the town core as per Objective EDO 43 the application of the sequential test is not required which is considered to be consistent with Section 4.4 of the Retail Planning Guidelines - *Where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies are not required.*
- There is no local planning policy basis to refuse permission for this development based on its location and there is no provision in the RPGs for the arbitrary sub division of town centres in the context for identifying appropriate sites for retail development based on the sequential test requirements.

#### *Impact on Traditional Town Centre*

- Provision of a town centre use on a sited zoned under Town Centre cannot be considered to have a negative impact on the vitality and viability of the Town Centre – the Development Plan makes a provision for this use at this location.
- Food retailing does not compete with Town Centre – fundamentally different roles in a retailing sense. Established in ABP-307522-20 by Planning Inspector stating - *Given that the application is for convenience retailing development at*

*a supermarket/discount food store it is agreed that impact on viability and vitality of the city centre would be immaterial and that sequential testing is only be warranted for establishing potential trade diversion of high-end comparison retailing from the city centre.* ABP-311623-21 - As the appeal relates to a convenience retailing development, impact on viability and vitality of the city centre would not be at issue. Sequential testing is only warranted for establishing potential trade diversion of high-end comparison retailing from the city centre.

- Section 12.8.3 of Mayo County Development Plan states with regard to the function and vision of Swinford Town Centre that “The town is the established administrative, commercial and service centre for a considerable hinterland in this part of the county.”
- Role of Town Centre characterised by provision of commercial/retail/service offering for a wider hinterland – reflected in Section 12.8.3 of the Mayo County Plan.
- Population of the Town establishes that a significant proportion of the population of the retail catchment served by the town is located at a removed distance from the town and in the absence of public transport vast majority of the population will travel by car to the town.
- Proposed use providing for bulk convenience retail shopping – if one accepts that the majority of shoppers utilising the proposed will arrive by car which is an inherent characteristic of the proposed development and the role Swinford plays in the settlement hierarchy of County Mayo. Associated impact in viability and vitality to the Town Centre therefore need to be considered through a different lens.
- It is contended that proposal would be consistent with sustaining the viability and vitality to the Town Centre given that it will provide for an additional choice and competition – proposal will not compete with traditional town centre but will enhance the choice that is available to shoppers and ultimately attract more business to the town centre.

- Given that shoppers are traveling to car anyway – the proposal will only serve to increase the attractiveness of Swinford.

#### *Balanced provision of retail development*

- Planning Authority considered that the proposal would equate to an over concentration of retail development both convenience and comparison in the area of Swinford – this is a contradiction in the position being adopted ie the provision of additional retail in the town centre would be over-concentration in the town centre.
- Expansion of retail should be welcomed as it provides additional employment and contribute to the economic development of the area.
- No objectives in the RPG's or Mayo County Development relating to over-concentration being a material planning consideration in the contest of the provision of additional retail floorspace within existing town and city centres.
- Planning assessment highlighted the importance of plan led approach yet has incorporated a basis for refusal for which there is no provision in the RPG's or County Development Plan.
- There is a reason why no such provision in planning policy as the concentration of retail activity in town and city centres which relates synergy, creates competition, enhances viability and vitality and creates employment opportunities and drives economy, is in fact arguably the overarching goal of retail planning.
- Basis for refusal relating to over-concentration is not consistent with the overarching aims of the RPGs.

#### *Retail Policy EDP 10*

- Policy states:

*To support the vitality and viability of existing town and village centres and facilitate a competitive and healthy environment for the retailing sector into the future, by ensuring that future growth in retail floorspace responds to the identified settlement hierarchy, the sequential approach, the appropriate*

*protection of the built environment and the needs of the projected population of the settlement area.*

- Considered that the provision of a town centre use (supermarket) on lands zoned town centre in the defined extent of the Swinford town core will support and enhance the vitality and viability of the town.
- Provision of additional convenience retail floorspace in Swinford to provide competition to the existing retailers facilitates a competitive and healthy environment for the retailing sector.
- Proposed development is considered to be acceptable having regard to Swinford being a Tier ii self-sustaining town in the Settlement hierarchy.
- Proposal does not require a sequential test having regard to the lands being zoned town centre as per section 4.4 of the RPG's 2012.
- Quantitative analysis set out in Retail Impact assessment submitted illustrates that there is a requirement for additional convince retail floorspace.

## 2. Refusal Reason No. 2

- This matter was raised as part the request for further information – a report and associated drawings were submitted.
- Section 6.1 and Section 6.2 of the report prepared and submitted.
- HGVs entering the site execute a reverse turning manoeuvre within the confines of the subject site before returning to the public road.
- The Planning Officer within their report stated that HGV reversing manoeuvres from the public road into the site for deliveries are required.
- From a cursory examination of drawings submitted would establish that this is not the case.
- No credible basis for this refusal other than failure to correctly review and/or understand the information provided.

## 3. Refusal Reason No. 3

- Policy MTP 3 states:



*To support and facilitate any 'Smarter Travel' initiatives that will improve sustainable transportation within the county, including public transport, electric and hybrid vehicles, car clubs, public bike schemes, improved pedestrian and cycling facilities, as appropriate.*

- Hard to understand how a single proposal development could contravene a general policy which seeks to support and facilitate any 'Smarter Travel' initiatives.
- The proposal does not prevent or negate the Local Authorities or ability to support or facilitate smarter travel initiatives.
- Reason for refusal states that it has not been demonstrated how the proposal promotes pedestrian connectivity with the existing town centre – material difference between a general aspiration to ensure that the development proposals achieve appropriate levels of pedestrian connectivity and Policy MTP 3 which is a specific policy objective of the Local Authority to support and facilitate smarter travel initiatives.
- Refusal reason is effectively invalid as the specified policy contravention is not applicable to the subject application.
- The Planners report stated '*Concerns have also been expressed with both the locations and design of the pedestrian crossings proposed, and only appear to serve the application site, and not the immediate area, nor do they assist in providing connectivity to the town centre, which further emphasizes the car-based nature of the development.*'
- In addition the report concludes 'further emphasizes the car-based nature of the development' – no dispute over this. Proposal is for a supermarket where it is envisaged that the vast majority of shoppers will arrive/depart by car.
- The appeal site is served with a footpath on both the Castlebar Road and the Kiltimagh Road and includes for a pedestrian crossing on the Castlebar Road to link the existing footpath on that road with the subject site. An additional pedestrian crossing is proposed on the Kiltimagh Road.
- Unclear how it is considered that the proposed pedestrian crossings could be deemed to only serve the subject site and not provide connectivity to the town.

- Entirety of any walking network in a town is interconnected – provision of additional permeability by way of pedestrian infrastructure only serves to benefit the pedestrian infrastructure as a whole.
- The proposed pedestrian crossings provide for a safe route for anybody who wishes to walk between the core shopping streets and the subject site.
- If Planning Authority required further pedestrian infrastructure it could be subject to a condition of planning.

## 7.2. Planning Authority Response

None received.

## 7.3. Observations

The Commission received a number of observations to this 1<sup>st</sup> party appeal and are summarised below:

### Susie Moore.

- Road infrastructure not fit for purpose – Very busy junction serving sports facilities, 5 housing estates, Tesco, a church, and a secondary school. Bottle necks created at certain times. Increase in traffic from the proposed development would make it intolerable.
- Proposal will not accord with May County Development Plan 2022-2028 which seeks to support the vitality and viability of the Town Centre. The proposal will not help as it will draw shoppers from centre of town.
- Location of house will now be centre of town given level of retail surrounding it.
- Impact the value of property.
- Noise level and pollution will increase from increase in traffic.
- Will destroy the attractiveness and economic viability of the town.

### Yvonne Moore.

- Proposal not in keeping with “our rural future – Irelands Rural Development Policy 2021-2025 – a commitment from the government to support regeneration or rural towns and villages.
- Proposal will further draw people to edge of town locations.
- Covid together with the Tesco superstore has led to the closure of a number of many businesses in town including – 2 newsagents, 1 grocery store, 1 petrol station, all victuallers, a butcher, a hairdressers, a hardware and a furniture shop.
- Countless public houses and closed and those that remain only open on a part time basis.
- The proposed development will only exacerbate the problem and lead to the demise of Swinford town rather than the stated government global of improving the vibrancy and regrowth of small rural towns.
- No thought up thinking between local and national level of government.
- Personal business will be affected by the proposed development – owned a supermarket for more than 40 years. Provided employment for the town.
- The proposed development is of German Origin and part of their profits will be repatriated back to Germany – the applicant can avail of loopholes in Irish tax system.
- Local retails have proven loyalty to the community and pay tax in full – open competition does not automatically mean fair competition.

Derek Kennedy.

- Site is unsuitable for the proposed development – area is already very busy and at time hazardous with so much traffic.
- Site was only zoned Town Centre recently – site is more suited for a residential development.
- Delict and unused units in Swinford that should be utilised before the proposed development is permitted.

- Claims made with regard to the population being underserved and the forecast turnover is considered to be a fantasy. Money is already being spent in Swinford and surrounding towns in locally operated small retailers.
- Proposal will lead to loss for small businesses in surrounding towns and lead to unemployment.
- Local sponsorship of events and sports teams and the circular economy will suffer.
- Profits made will be repatriated back to Germany no invested or spent locally.

Joe Mellett.

- Site was only zoned as Town Centre in 2022 – previously zoned for residential. This was never adopted into the Town Development Plan, and this is why the 1<sup>st</sup> Party appellant cannot say for sure that the site is within the towns core retail area.
- In the originally adopted Town development plan the site was zoned for residential development and would benefit the town in its efforts to attract more persons to live close to the town centre.
- Nature of the type of development proposed could undermine the existing buildings within Swinford which have no foundations. Large volumes of traffic passing through the town could undermine the foundations. Tesco was requested to alter their HGV route to avoid Market Street.
- Quantum of traffic expected to be generated from the proposed development will lead to Market Street becoming a car park and will affect the viability of the town.
- The traffic surveys submitted failed to consider the large number of people attending services in the Church daily and on weekends. Car park of the local garda station has to be utilised for overflow from the church. Photographic evidence has been provided to that extent.
- Comparisons made the appellant to similar developments granted by the Commission are not relevant as they relate to areas with a much larger population. Population referenced in the appeal documents already shop in their local towns such as Foxford, Kiltimagh and Kilkelly.

- If permission is granted it would be a catastrophe for the surrounding towns and be at odds with the Mayo County Development Plan. The population figures in the suggested catchment area cannot be included and should be rejected.
- Appellants statement that there are only 2 comparable outlets in town is erroneous in failing to include Moore's, Mr Price and centz – omitting these stores would suggest that the figure quoted for available expenditure is incorrect.
- Appellants statement that no other sites are available – this is incorrect as the County Plan identifies a number of vacant sites.

#### Tom and Diane Lowin.

- Incorrect site for the proposed development – only rezoned recently and is less than 1km from the town centre.
- Traffic – major issues at this junction which serves a Tesco, a church and 2 no. schools.
- Government and Local Authority have introduced policies to regenerate rural towns – the proposal will do the exact opposite.
- Multinational operations do not have the same loyalty as local owned and run businesses.
- Promise of creation of new job will lead to loss of jobs in the town centre.
- Proposal will drain the business from surrounding towns.
- Numerous vacant properties and site in Swinford which should be developed to revitalise the town.

#### Michelle Howie.

- Additional unit at Tesco is Homeland – incorrectly referenced within the appeal. This site is served with c. 300 car [parking spaces and in close proximity to the subject site. The additional traffic generated will cause issues.
- Very busy junction serving sports facilities, 5 housing estates, Tesco, a church, and a secondary school. Bottle necks created at certain times and causes a

health and safety issue even without the added traffic of the proposed development.

- Section 4.11 of the appeal states that the development will assist in creating jobs and facilitate population growth – Tesco opened in 2011 and did not bring any population growth.
- Appeal states that fourth tier of retail hierarchy is for towns with a population between 1500 to 5000 and given Swindford's population it can be considered a small town in the context of the RPGs – The Board need to clarify this.
- Tesco did not have any commercial synergy with the town centre as being promised by the appellant – since Tesco has opened 8 small retailers have closed.
- Site is not part of the organic town centre.
- Proposed HGV entrance is hazardous as churchgoers utilise this road to park on.
- Nine am peak traffic is not useful at this location as national school traffic has not been considered or incorporated into the traffic assessment.
- Population of Swindford quoted in section 2.1 of the appeal differs from that at section 5.1.2.
- Question the suitability of the soil as it is of a peaty nature to develop.
- Noise pollution from additional traffic.

#### Brian Corbett.

- Wrong location – area already heavily trafficked.
- A number of businesses, services already in the area.
- Homes in the vicinity will be affected by additional traffic build up and noise.
- Will have an effect on the N5.
- Location matters in small towns and if larger retail store formats are built on edge of towns this causes towns to demise – Proposing a larger unit in a town with a small population and justification provided is not adequate.

- If granted Swinford will decline further causing more businesses to fail – this happened after Covid and the opening of Tesco.
- Will cause loss of employment.

## **8.0 Assessment**

### **8.1. Introduction**

8.1.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development.
- Retail Impact.
- Traffic Safety.
- Permeability and Connectivity

### **8.2. Principle of Development**

8.2.1. The subject site is zoned under Town Centre as per Map SD1 of the Mayo County Development Plan 2022-2028 (MCDP). The Town Centre zoning objective seeks to maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses.

8.2.2. This is an application for permission for the provision of a single storey food-store which has a stated gross area of c. 1908sq.m (a net retail area of 1,356sq.m). Table 12.3 of the MCDP 2022-2028 sets out the land use matrix under which 'supermarket' is classified as permitted in principle for the Town Centre land use zoning objective.

8.2.3. I note that a concern was raised by an observer to this appeal that the zoning pertaining to the subject site was never adopted into the Town Development Plan. From undertaking a review of Mayo County Councils web site I note that there is no statutory Town Development Plan as referenced by the observer for Swinford.

8.2.4. Therefore, in conclusion having regard to the scale of development and the land use zoning I consider the proposal to be acceptable in principle.

### 8.3. Retail Impact

- 8.3.1. The 1<sup>st</sup> reason for refusal by the Planning Authority relates to the concern that the proposed development would have an adverse impact on the vitality, viability and attractiveness of the existing traditional town centre of Swinford due to the location of the appeal site being outside of the designated core shopping area as per Map SD2 of the MCDP 2022-2028. The reason for refusal stated that to permit the proposed development would materially contravene retail policy EDP 10 of Volume 1 of the MCDP 2022-2028.
- 8.3.2. Policy EDP 10 seeks to support the vitality and viability of existing town and village centres and facilitate a competitive and healthy environment for the retailing sector into the future, by ensuring that future growth in retail floorspace responds to the identified settlement hierarchy, the sequential approach, the appropriate protection of the built environment and the needs of the projected population of the settlement area.
- 8.3.3. The Planning Officer in their initial assessment raised concern of the location of the subject site being outside of the “Core Retail Area” as defined in Map SD2 and makes reference to section 5.2.1 of the MCDP 2022-2028 which states that *‘the Council will assess the provision of new retail development in accordance with the sequential approach, and if required, the onus will be on the applicant to demonstrate by means of a Retail Impact Assessment (RIA) that the development will not have an unacceptable adverse impact on the vitality and viability of any existing town centre.’*
- 8.3.4. The assessment states that the location of the proposed development to the northwest or northeast of the traditional town centre would be a more favourable outcome. As part of the Retail Impact Assessment submitted, the applicant has carried out a sequential test and has indicated some possible sites to the north of the town centre, that could feasibly accommodate the proposed development and a different rationale is provided as suitable from both land use principle and development potential points of view. The main concern of the Planning Officer is that to permit the proposed development on the appeal site which is directly opposing an existing operating supermarket would lead to disproportional amount of retail floorspace in this area of Swinford and this in turn could negatively impact on the traditional town centre and keep a large proportion of the local population out of same.



- 8.3.5. The Planning Officer makes further reference to section 4.7 of the Retail Planning Guidelines for Planning Authorities, 2012 (RPG) which makes reference to “Edge-of-Centre Retailing”, and states that *“Where, following the sequential approach, the consideration of an edge-of-centre site becomes necessary, the applicant and the planning authority must ensure that edge-of-centre sites are within easy walking distance of the identified primary retail area of the city or town. The distance cannot be defined precisely as different centres vary in their size and scale but should generally not be further than 300 to 400 metres”*. It was stated that when the overall size of Swinford is considered that it could be considered that 300-400 meters is not an appropriate yardstick. A request for further information was made on foot of this assessment.
- 8.3.6. The applicant submitted a revised Retail Impact Assessment. However, the Planning Officer consider that the applicant failed to address the location of the site outside of the Core Shopping Area. A large emphasis of the Planning Officers assessment is place on the Plan-led Approach to retail development as per the RPG’s and states that *‘irrespective of the town centre zoning objective pertaining to the site in this case, it is nevertheless located at considerable distance from the identified “Core Shopping Area”. The Retail Planning Guidelines Sequential approach cannot be the only assessment tool used in determining the location of such retail developments in smaller towns., Other factors must be considered, such as what the impact on the traditional established town centre will be, and whether the proposal will result in a balance provision of retail development.’*
- 8.3.7. The subject site is located c. 450m to the south of the centre of Swinford Town Center ( the junction of Chaple Street, Swinford Road and the N26) and c. 150m to the south of the edge of the Core Shopping Area as per Map SD2 as per Volume 3 of the MCDP 2022-2028. The appeal site is within a Tier ii Self-Sustaining Growth Town which is zoned under objective Town Centre. The RPGs also state that edge of city sites should be within easy walking distance of the identified primary retail area of the city or town.
- 8.3.8. The site being c. 450m to the south of the centre of Swinford Town Centre and c.150m to the south of the edge of the Core Shopping Area which would equate to a 7 minute and 2-minute walk respectfully. I further note that there is an existing public footpath linking the site directly to the town centre making it within easy walking distance of the primary retail area. As such, I do not accept the Planning Authority’s assessment that

the 300m to 400m catchment set out within the section 4.7 of the RPGs is not appropriate when considering the overall scale of Swinford.

- 8.3.9. The appellant within their 1<sup>st</sup> party appeal asserts that the wording of the reason for refusal is contradictory to the assessment set out within both the reports of the planning Officer in that the assessment had identified sites to the north-east and north-west of the town which would be suitable but that are also outside of the core shopping area. The appellant reiterates that the site is zoned Town Centre, and that supermarket is listed as a generally permitted use. It is contended that the basis for the refusal is not plan-led in the context of the proposed development and the location of the subject.
- 8.3.10. The appellant has set out within the appeal submitted that the MCDP 2022-2028 has introduced 3 different terms relating to retail areas. Objective EDO 42 refers to Primary Shopping Areas, Objective ED042 refers to Core Retail Areas and Map SD2 introduces the term Core shopping area. It is contended that the MCDP does not provide for a definition or differentiation of these terms and that if lands are zoned Town Centre and are not considered to be indeed part of the Town Centre then why are they zoned for such.
- 8.3.11. Objective ED0 43 seeks *'to adhere to the principle of 'sequential approach' in the consideration of retail applications located outside of core retail areas.'* The appellant considers that it is difficult to ascertain whether or not the appeal site is within the core retail area' as no definition provided for such.
- 8.3.12. I note that the Swinford Town Centre and Opportunity zoning map, Map SD2 as per Volume 3 of the MCDP 2022-2028, identifies the core shopping area of Swinford. The subject site is not included within this area. I consider that the use of the wording of Objective EDO 43 *'core retail areas'* is interchangeable with wording of the aforementioned zoning map *'core shopping area'* as the term retail and shopping are interchangeable having the same meaning in the context of retail planning.
- 8.3.13. With regard to the Planning Officers comments relating to the disproportionate amount of retail floorspace and the over-concentration of same and the comments made by a number of observers to this appeal, I note that section 2.5.3 of the Retail Planning Guideline 2012 states that *"The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In*

*interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála (now An Coimisiun Pleanála) should avoid taking actions which would adversely affect competition in the retail market. In particular, when the issue of trade diversion is being considered in the assessment of a proposed retail development, planning authorities and An Bord Pleanála (now An Coimisiun Pleanála) should assess the likelihood of any adverse impacts on the vitality and viability of the city or town centre as a whole, and not on existing traders.”* Therefore, the location of existing retail supermarkets located within the vicinity of the site should not be a consideration in the assessment of this appeal and the Commission are precluded from considering competition in their determination of this appeal.

- 8.3.14. Section 4.4 of the Retail Planning Guidelines for Planning Authorities, 2012 (RPG) states that *‘Where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies are not required.’*
- 8.3.15. The subject site is zoned under Town Centre and while it is located outside of the Core Shopping Area as per Map SD2 of Volume 3 of the MCDP 2022-2028 there is no policies or objectives within the County Development Plan prohibiting further retail development outside of this area. This was also reiterated by the Planning Officer in their assessment. As the appeal relates to a convenience retailing development, I consider that impact on viability and vitality of the town centre would not be at issue. Sequential testing is only warranted for establishing potential trade diversion of high-end comparison retailing from the city centre, as per section 4.4 of the RPGs.
- 8.3.16. Overall in conclusion, I do not accept the assessment of the Planning Authority and consider that the proposed development which is located on a Town Centre zoned site within walking distance of the core Shopping Area as per Map SD2 of Volume 3 of the MCDP 2022-2028, would not negatively on the vitality and viability of the town centre of Swindford and would accord with Policy EDP 10 of Volume 1 of the MCDP 2022-2028 and would therefore be in keeping with the proper planning and sustainable development of the area. I therefore recommend that the Commission grant permission for the proposed development.

#### **8.4. Traffic Safety**

- 8.4.1. The second reason for refusal by the Planning Authority relates to concerns over traffic safety from HGV manoeuvres to and from the site. The Planning Authority contend that the applicant has not satisfactorily demonstrated how HGV traffic will safely access and egress the site from the serving public road, and therefore the development could endanger public safety by reason of a traffic hazard. The applicant was afforded an opportunity as part of the request for further information to address this concern.
- 8.4.2. The Planning Officer in their assessment of the plans received on foot of the request for further information considered that the revised site layout plan submitted appears to indicate the requirement for HGV reversing manoeuvres from the public road into the site for deliveries etc and it was further considered that such a scenario would give rise to interruptions in the free flow of traffic, and possibly create a traffic hazard.
- 8.4.3. The appellant contends that this issue was adequately addressed and that even a cursory examination of drawings submitted (dwg. no. 22066/P/003 Rev F1 and dwg. no. 22066/P/004 Rev F1) would establish that it is not proposed for HGVs to reverse into the site from the public road. It is further argued by the appellant that there is credible basis for this refusal other than failure to correctly review and/or understand the information provided.
- 8.4.4. From review of DWG No. 22066/P/003 Rev F1 titled Proposed Site Plan, the swept path analysis indicates an access route for HGVs from the Kiltimagh Road (R320) utilising the northern entrance to the site but does not indicate any manoeuvres within the confines of the site. The second drawing, DWG No. 22066/P/004 Rev F1, also titled Proposed Site Layout Plan, indicates the same swept path analysis as the previous plan however this plan also set out the provision of how the delivery truck will access the site and utilise the internal area to undertake the required reverse manoeuvres, all within the confines of the subject site.
- 8.4.5. The report from the Area Engineer noted this discrepancy and states that it was unclear from the documents submitted, if 2 options are provided or a combination of vehicle manoeuvres and that delivers to the site appear to be very restricted regarding access and appear to be unsafe.

- 8.4.6. I accept the concern raised by the area engineer in that the two plans submitted are contradictory and I also consider that the text provided within the engineering traffic report submitted as part of the application does not provide any further clarity on these issues. Section 6.2 of said report states All of these turning manoeuvres are contained within the proposed Aldi development site area with no requirement to undertake any of these manoeuvres within the public road.
- 8.4.7. I consider that the turning manoeuvres proposed on drawing no. 22066/P/004 Rev F1 would alleviate the concerns raised by the Planning Officer with regard to the impact on the public road, however I would have concerns over a conflict with delivery truck and customers utilising the parking bays surrounding the area proposed for the HGV turning maneuverers.
- 8.4.8. Notwithstanding the above, I consider that in the event that the Commission were minded to grant permission for the proposed development that the concerns I have would be overcome by way of condition by restricting delivery times to outside of the proposed opening hours and that the delivery arrangement as set out on drawing no. 22066/P/004 Rev F1 submitted to the Planning Authority on the 18<sup>th</sup> February 2025 could be included.

## **8.5. Permeability and Connectivity**

- 8.5.1. The third reason for refusal relates to pedestrian connectivity with the existing town centre. The reason stated that the proposed development would materially contravene Integrated Land Use and Transportation Policy MTP 3 of the Mayo County Development Plan 2022-2028, which states retail policy EDP 10 of the Mayo County Development Plan (Volume 1) 2022-2028, which aims to support and facilitate any 'Smarter Travel' initiatives that will improve sustainable transportation within the county, including public transport, electric and hybrid vehicles, car clubs, public bike schemes, improved pedestrian and cycling facilities, as appropriate.
- 8.5.2. The Planning Officer in their assessment stated that locations and design of the pedestrian crossings proposed only appear to serve the application site, and not the immediate area, nor do they assist in providing connectivity to the town centre, which further emphasizes the car-based nature of the development and as such the applicant has not demonstrated compliance with Policy MTP 3 of the MCDP 2022-2028.

- 8.5.3. The appellant contends that it is hard to understand how a single proposed development could contravene a general policy which seeks to support and facilitate any 'Smarter Travel' initiatives and that the proposal does not prevent or negate the Local Authorities ability to support or facilitate smarter travel initiatives. It is further argued that there is a material difference between a general aspiration to ensure that the development proposals achieve appropriate levels of pedestrian connectivity and Policy MTP 3 which is a specific policy objective of the Local Authority to support and facilitate smarter travel initiatives.
- 8.5.4. In the first instance I note that the subject site is located c.450m to the south of the centre of Swinford Town Centre, at the junction of Chaple Street, Swinford Road and the N26, which would equate to a 7-minute walk time. The appeal site is directly connected to the Town Centre via an established footpath. Furthermore, the proposed site layout provides for a pedestrian crossing located along the Castlebar Road to the north of the site and a second pedestrian crossing located on the south-eastern boundary of the site along the Kiltimagh Road (R320).
- 8.5.5. I consider that Policy MTP 3 of the MCDP 2022-2028 is aspirational as opposed to being achievable and not a site-specific objective which the proposed development needs to comply with. I therefore do not agree or accept that the proposed development would materially contravene Policy MTP3 of the MCDP 2022-2028 and that the pedestrian crossing proposed would only serve the subject site. The pedestrian crossing proposed seek to connect the subject site to the wider area by provision of pedestrian connectivity which will promote permeability for not only the customers of the proposed development but also residents of the wider area.
- 8.5.6. The Planning Officer also stated that it was considered that the proposed development would be a car dependent development. The appellant in response does not dispute this statement and notes that the proposal is for a supermarket where it is envisaged that the vast majority of shoppers will arrive/depart by car.
- 8.5.7. The proposed development provides for 112 no. car parking spaces and 18 no. cycle parking spaces. In accordance with Table 7 of Volume 2 of the MCDP 2022-2028, the proposed development would require a minimum of 76 no car parking spaces (1space per 25sq.m). In accordance with Table 9 of Volume 2 of the MCDP 2022-2028, the proposed development would require a minimum of 11 no. cycle car parking spaces

(1 space per till/check out). As such the proposal complies and is in excess of the minimum requirement for the car and cycle parking spaces.

8.5.8. Notwithstanding the comments of the appellant, having regard to the proximity of the site to the town centre, the existing footpath network from the subject site to the wider area and the proposed additional pedestrian crossings being provided I consider that the appeal site would be accessible by pedestrians and would not entirely be a car dependent development.

8.5.9. Overall, I do not consider that the proposed development would materially contravene Policy MTP 3 of the MCDP 2022-2028 and with the proposal to provide for additional pedestrian crossings on the surrounding road network would promote connectivity and permeability to the subject site.

## **8.6. Other Issues**

### **8.6.1. Traffic**

Observers to this appeal have raised concerns over the on-going issues within the surround area with regard to the quantum of traffic and that in the instance that permission was granted for this development that it would only exasperate the issue further. It is stated that the junction of the Kiltimagh Road and the Castlebar Road currently serves sports facilities, 5 housing estates, Tesco, a church, and a secondary school.

The applicant as part of their application documentation submitted a Traffic Impact Assessment which was update as part of the response to Further Information. The TIA undertook a series of traffic surveys at the junction of the R320 (from Swinford Town Centre) at its junction with the Castlebar Road (Beechpark) and the R320 at its junction within the Tesco retail park. Updated traffic surveys were undertaken on Friday 13th September from 0700hrs to 2400hrs and Saturday 14th September from 0000hrs to 1900hrs in accordance with guidance from Transport Infrastructure Ireland: PE-PAG-02016 Project Appraisal Guidelines for National Roads. The assessment found that the maximum difference between the November 2023 traffic surveys and the September Weekday and Saturday traffic surveys is some 3% with the November traffic surveys being some 30% above the lowest suggested traffic survey period, this being a Weekday morning.

The assessment concluded that the proposed site access off the Castlebar Road and the junction of the Kiltimagh Road with the Castlebar Road can readily accommodate the projected traffic associated with the with the proposed Aldi development. The assessment submitted was acceptable to the Planning Authority and no further concern was raised within the assessment of the Further Information submitted with regard to traffic numbers. I consider the assessment submitted to be robust and that if permitted the proposed development would not further adversely affect the current traffic volumes within the vicinity of the appeal site.

## **9.0 Appropriate Assessment**

### **9.1. Stage 1 - Appropriate Assessment Screening**

- 9.1.1. I am satisfied that the information on file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have reviewed the applicant's 'Screening for Appropriate Assessment' and I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 3.
- 9.1.2. 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, I conclude that the proposed development individually or in combination with other plans or projects could give rise to significant effects on the River Moy SAC (site code 002295). in view of the conservation objectives of these sites and is therefore require further consideration. Appropriate Assessment is required.
- 9.1.3. This determination is based on:
- Nature of works.
  - Potential hydrological connection to the Lisheenabrone stream via a surface water drain.
- 9.1.4. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.



## **9.2. Stage 2 - Appropriate Assessment**

- 9.2.1. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO) of the River Moy SAC (site code 002295) based on the scientific information provided by the applicant and taking into account expert opinion. It is based on an examination of all relevant documentation, analysis and evaluation of potential impacts, findings and conclusions. A final determination will be made by the Board.
- 9.2.2. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development is set out in section 2 of the NIS submitted by the applicant and the potential impacts from the construction and operational phases are set out in Section 7 of the NIS submitted.
- 9.2.3. From undertaking a screening for the need of Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Moy SAC (site code 002295) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 9.2.4. Following an examination, analysis and evaluation of the NIS, as set out within appendix 4 of my report, and all associated material submitted, I consider that in light of the mitigation measures proposed, that adverse effects on site integrity of the River Moy SAC (site code 002295) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 9.2.5. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
  - the proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition of the River Moy SAC (site code 002295).
  - Effectiveness of mitigation measures proposed and adoption of CEMP submeter.

- Application of planning conditions to ensure the mitigation measures proposed are undertaken.

## 10.0 Water Framework Directive Screening

- 10.1. The impact of the proposed development in terms of the WFD is set out in Appendix 5 to this report. The subject site is located along the Kiltimagh Road (R320) in Swinford, Co. Mayo. The site is currently greenfield in nature. Permission is being sought for the provision of single storey retail supermarket with a total gross floor area of 1908sq.m.
- 10.2. No open watercourses were recorded within the confines of the Proposed Development site, however, there is an existing culvert within the site which flows to a drain outside the northwest corner of the site. This drain has hydrological connectivity to the Lisheenabrone river (EPA Code 34L14) approximately 435m northwest of the Proposed Development site. The Lisheenabrone river flows into the Moy River (EPA Code: 34MO2) approx. 5km downstream. The River Moy is designated as an SAC at this point.
- 10.3. The site is located within the Moy and Killala Bay Catchment (hydrometric area number 33). The site of the Proposed Development is located within the Moy\_SC\_050 hydrological sub-catchment, the Moy\_080 hydrological sub-basin and is also located in the Swinford groundwater catchment. The groundwater waterbody risk is 'Not at risk' and the groundwater status of this catchment is assigned a status of 'Good' in the Water Framework Directive (WFD) groundwater monitoring programme.
- 10.4. The project uses standard construction/ pollution control methods, materials and equipment, and the process managed through the implementation of the CEMP. The application was accompanied by a NIS which set out detail mitigation measures. A surface water management system including SuDS features is also proposed.
- 10.5. Further to the provisions of Appendix 5 I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

Having regard to the above it is recommended that the decision of the Planning Authority be overturned, and permission be granted based on the following reasons and considerations and subject to the attached conditions.

## 12.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Mayo County Development Plan 2022-2028, to the Retail Planning Guidelines for Planning Authorities 2012 (DoECLG), to the design, and the design, scale and layout of the proposed development and pattern of existing and proposed development in the surrounding area, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form of development on this 'Town Centre Zoned' site and would not adversely impact upon the built heritage of the area or the amenities of the properties in the vicinity, would not undermine the Town Centre or retail future of Swinford and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 27<sup>th</sup> day of March 2024, and the 18<sup>th</sup> Day of February 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
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2.	<p>Mitigation measures outlined in the Natura Impact Assessment lodged with the application on the 27<sup>th</sup> day of March 2024, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> in the interest of protecting the Natura 2000 Sites.</p>
3.	<p>(a) Deliveries to the development shall be undertaken outside of the operating hours of the permitted supermarket.</p> <p>(b) Delivery arrangements shall be as per drawing no. 22066/P/004 Rev F1 Proposed Site Layout Plan submitted to the Planning Authority on the 18<sup>th</sup> February 2025.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>The development shall open only between 0800 and 2200 hours on Mondays to Saturdays and between 0900 hours and 2100 hours on Sundays and Public Holidays.</p> <p>Reason: in order to safeguard the residential amenities of the area.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> in the interest of visual amenity</p>
6.	<p>Prior to the occupation of the supermarket, details of all advertising signage, including the proposed colour and finish and level of illumination (lux) of the signage shall be submitted to, and agreed in writing with, the planning authority.</p> <p><b>Reason:</b> in the interest of visual amenity.</p>
7.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.</p>

	<b>Reason:</b> To protect the visual amenities of the area.
8.	<p>a) The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works.</p> <p>b) The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>c) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.</p> <p>d) The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>REASON: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
9.	No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts

	<p>or other external plant, telecommunication aerials, antennas, or equipment, unless agreed in writing with the planning authority.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area</p>
10.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of the development.</p> <p>Reason: in the interest of amenity and public safety.</p>
11.	<p>The Landscape scheme to the planning authority on the 27<sup>th</sup> day of March 2024, shall be implemented fully in the first planting season following the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: in the interest of visual amenity.</p>
12.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: in the interest of visual and residential amenity.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: in order to safeguard the residential amenities of property in the vicinity.</p>

14.	<p>Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times</p> <p>Reason: in the interest of sustainable waste management</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: in order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with , the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: in the interest of public safety</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p>

	<p>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 Coimisiun Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
18.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>

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



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.Kathy Tuck  
Planning Inspector

XX July 2025.

## Appendix 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-322223-25
<b>Proposed Development Summary</b>	Construction of a single storey discount foodstore comprising a gross floor area of 1908sq.m and all associated site works.
<b>Development Address</b>	Castlebar Road & Kiltimagh Road, Newpark & Swinford townlands, Swinford, Co. Mayo.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Schedule 5 Part 2 Class 10 (B) – Infrastructure Projects:</p> <p>(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sqm threshold.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix 2

### EIA Preliminary Examination

<b>Case Reference</b>	ABP-322223-25
<b>Proposed Development Summary</b>	Construction of a single storey discount foodstore comprising a gross floor area of 1908sq.m and all associated site works.
<b>Development Address</b>	Castlebar Road & Kiltimagh Road, Newpark & Swinford townlands, Swinford, Co. Mayo.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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>The subject development would comprise the construction of a of a single storey, discount food store with ancillary off-license sales area which has a gross floor area of 1908ssq.m. Vehicular access and egress for the proposed food store Castlebar Road and the also provide for 1 no. vehicular and one no. pedestrian access from Kiltimagh Road. A full description of the proposed development is set out in full under Section 2 of my report.</p> <p>During the construction phase, the proposed development would generate waste during excavation and construction. However, given the moderate size of the proposed building I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phases due to the limited size of the site and the nature of the proposed use.</p>
<b>Location of development</b>  (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).	<p>The subject site is located on a greenfield site located c.450m to the south the centre of Swinford Town. There is a Tesco retail outlet located on the opposing side of the Castlebar Road.</p> <p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. The site is served by a local urban road network.</p> <p>The development is situated on zoned serviced lands within the development envelop of Swinford at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Mayo County Development Plan 2022-2028.</p>

<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The subject site is located c. 2.8km to the east, 2.6km to the south and 5.9km to the west of the River Moy SAC (site code 002295). In addition, the site is located 12.6km to the east of the Lough Conn and Lough Cullin SPA (site code 004328).</p> <p>There is a hydrological connection to the River Moy SAC (site code 002295) via the Lisheenabrone stream via a surface water drain. An NIS has been submitted with the application documentation and has been considered within Appendix 3 of this assessment.</p> <p>I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>
<p align="center"><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

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

### Appendix 3

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Case File: ABP-322223-25</b>	
<b>Brief description of project</b>	<p>Normal Planning Appeal</p> <p>A single storey food-store and all ancillary site works.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject site is a greenfield site which is relatively flat in nature and is located to the south of the established Town Centre of Swinford.</p> <p>The development will comprise of the construction of a single storey, discount food store with ancillary off-license sales area which has a gross floor area of 1908sq.m and a net retail area of 1,356sq.m. Vehicular access and egress for the proposed food store Castlebar Road and the also provide for 1 no. vehicular and one no. pedestrian access from Kiltimagh Road. A full description of the proposed development is set out in full under Section 2 of my report.</p> <p>The development includes for a car park area and on site drainage infrastructure including SUDS measures with connections to the existing watermain and foul waste water services also being proposed.</p> <p>There is an existing drainage ditch located immediately northwest of the site which discharges into the Lisheenabrone stream approximately 450m west of the site. The Lisheenabrone stream discharges in the River Moy SAC approx. 5km downstream.</p>
<b>Screening report</b>	<p>Yes</p> <p>Accepted by Mayo County Council.</p>
<b>Natura Impact Statement</b>	Yes
<b>Relevant submissions</b>	None
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>	
Four 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 a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
River Moy SAC [002298]	<p>[1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>[1095] Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>[1096] Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>[1106] Salmon (<i>Salmo salar</i>)</p> <p>[1355] Otter (<i>Lutra lutra</i>)</p> <p>[7110] Active raised bogs</p> <p>[7120] Degraded raised bogs still capable of natural regeneration.</p> <p>[7150] Depressions on peat substrates of the Rhynchosporion</p> <p>[7230] Alkaline fens</p> <p><a href="#">River Moy SAC   National Parks &amp; Wildlife Service</a></p>	<p>c2.8km to the east;</p> <p>c.2.6km to the south; and</p> <p>c.5.9km to the west</p>	Yes	No

There is a potential hydrology pathway to the Lisheenabrone stream approximately 450m west of the site. This connection is via a drainage ditch located immediately northwest of the site. The Lisheenabrone stream discharges in the River Moy SAC approx. 5km downstream.

I consider that the proposed development would generate impacts that could affect the potential zone of influence on any ecological receptors of the above note protected sites.

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

Due to the size and scale and potential hydrological connection of the proposed development to the other Natura 2000 Sites identified, impacts generated by the construction of the food-store development require consideration.

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

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1: Name (code)</b>  <u>River Moy SAC</u> <u>[002298]</u>  [1092] White-clawed Crayfish (Austropotamobius pallipes)  [1095] Sea Lamprey (Petromyzon marinus)  [1096] Brook Lamprey (Lampetra planeri)  [1106] Salmon (Salmo salar)  [1355] Otter (Lutra lutra)  [7110] Active raised bogs  [7120] Degraded raised bogs still	<u>Direct:</u>  None  <u>Indirect:</u> A surface water pathway exists between the Proposed Development site and this SAC as described above. There is a risk that pollutants and sediment laden surface water run-off could discharge to the drain northwest of the site, with a potential to have an indirect impact on aquatic QI species downstream.  River Moy SAC is located within the same ground water body as the Proposed Development (Swinford: IE_WE_G_0033), taking a precautionary approach there is potential for impacts on this SAC through a deterioration in groundwater quality during construction if groundwater was	There will no habitat loss within the SAC as the Proposed Development site is located entirely outside the European site.  Potential for likely significant effects on this European site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects.



capable of natural regeneration.  [7150] Depressions on peat substrates of the Rhynchosporion  [7230] Alkaline fens	encountered during excavation works.  There is a risk that pollutants and sediment laden surface water run-off could discharge to the drain northwest of the site, with a potential to have an indirect impact on aquatic QI species downstream.	
Y	<b>Likelihood of significant effects from proposed development (alone):</b>	
NA	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the River Moy SAC [SAC 002298].</p> <p>I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SACs and SPAs when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species. I recommend that proceed to AA.</p>		

## Appendix 4

<b>Appropriate Assessment</b>			
<p>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.</p>			
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the provision of a single storey food-store and all associated works, in view of the relevant conservation objectives of the River Moy SAC [002298] based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"> <li>Natura Impact Statement submitted by the applicant.</li> <li>National Parks and Wildlife website.</li> <li>Ecological Impact Assessment submitted by the applicant.</li> </ul> <p>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 and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>			
<p><b>Submissions/observations</b></p> <p>No concern has been raised with regard to Appropriate Assessment in any submissions Received.</p>			
<p><b>NAME OF SAC/ SPA (SITE CODE):</b> River Moy SAC [002298]</p> <p><b>Summary of Key issues that could give rise to adverse effects (from screening stage): [examples]</b> (i) Water quality degradation (construction and operation)</p>			
<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>  Section 6.2.2 of NIS

<p>1092] White-clawed Crayfish (Austropotamobius pallipes)</p>	<p>To maintain the favourable conservation condition of White-clawed Crayfish in River Moy SAC</p>	<p>There is a potential pathway for indirect effects on the downstream aquatic dependent QI including white-clawed crayfish associated with construction of the Proposed Development in the form of deterioration of water quality if pollutants and sediment laden run-off from the site discharged into nearby drain which has a hydrological connection to this SAC downstream. This pollution may adversely impact this downstream aquatic QI species in the absence of mitigation.</p>	<ul style="list-style-type: none"> <li>• In the event of encountering groundwaters during excavation, waters will be pumped from the excavation and discharged through a pipe with a silt bag attached on to an area of overland vegetation within the site boundary and as far as possible from nearby drains or watercourses. A series of silt fences will also be utilised around the area where the water will be discharged.</li> <li>• Silt fencing will also be installed along sections of the western and northern boundaries of the site to prevent potential run off from the site entering the existing drain outside the north-western boundary.</li> <li>• Earthworks will not take place during periods of high rainfall to reduce run-off and potential siltation of watercourses.</li> <li>• The design, construction and maintenance of an on-site drainage system can prevent sediment related pollution of nearby surface waters. Ground disturbance should be kept to a minimum, water from</li> </ul>
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			<p>excavations should be filtered.</p> <ul style="list-style-type: none"> <li>• All excavated material which is not required for future landscaping works or for backfill of excavations will be removed to an authorised waste recovery facility. This will also apply to material which is not suitable for reuse on site.</li> <li>• Any requirement for temporary fills or stockpiles will be sealed with the back of an excavator bucket, damped down or covered with polyethylene sheeting as required to avoid sediment release associated with heavy rainfall.</li> <li>• The majority of excavated spoil will be transported off site for appropriate treatment or disposal. Some spoil may be retained on site for infilling, landscaping. Stockpiles and will be covered in polyethylene sheeting and if required, surrounded by a layer of silt fencing.</li> <li>• As construction advances, there may be a small requirement to collect and treat surface water within the site.</li> </ul>
[1095]	To maintain the favourable	There is a potential pathway for indirect	As set out above

Sea Lamprey ( <i>Petromyzon marinus</i> )	conservation condition of Sea Lamprey in River Moy SAC.	effects on the downstream aquatic dependent QI including Sea lamprey associated with construction of the Proposed Development in the form of deterioration of water quality if pollutants and sediment laden run-off from the site discharged into nearby drain which has a hydrological connection to this SAC downstream. This pollution may adversely impact this downstream aquatic QI species in the absence of mitigation.	
[1096] Brook Lamprey ( <i>Lampetra planeri</i> )	To maintain the favourable conservation condition of Brook Lamprey in River Moy SAC	There is a potential pathway for indirect effects on the downstream aquatic dependent QI including Brook lamprey associated with construction of the Proposed Development in the form of deterioration of water quality if pollutants and sediment laden run-off from the site discharged into nearby drain which has a hydrological connection to this SAC downstream. This pollution may adversely impact this downstream aquatic QI species in the absence of mitigation.	As set out above

<p>[1106] Salmon (Salmo salar)</p>	<p>To maintain the favourable conservation condition of Salmon in River Moy SAC.</p>	<p>There is a potential pathway for indirect effects on the downstream aquatic dependent QI including Salmon associated with construction of the Proposed Development in the form of deterioration of water quality if pollutants and sediment laden run-off from the site discharged into nearby drain which has a hydrological connection to this SAC downstream. This pollution may adversely impact this downstream aquatic QI species in the absence of mitigation.</p>	<p>As set out above</p>
<p>[1355] Otter (Lutra lutra)</p>	<p>To maintain the favourable conservation condition of Otter in River Moy SAC.</p>	<p>There is a potential pathway for indirect effects on the downstream aquatic dependent QI including otter associated with construction of the Proposed Development in the form of deterioration of water quality if pollutants and sediment laden run-off from the site discharged into nearby drain which has a hydrological connection to this SAC downstream.</p>	<p>As set out above</p>

		This pollution may adversely impact this downstream aquatic QI species in the absence of mitigation.	
[7110] Active raised bogs	To restore the favourable conservation condition of Active raised bogs in River Moy SAC.	There is no potential for indirect effects on this QI habitat: Active raised bogs, due to the terrestrial nature of the QI, and the absence of a complete source pathway receptor chain.	N/A
[7120] Degraded raised bogs still capable of natural regeneration.	The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs.	There is no potential for indirect effects on this QI habitat: Degraded raised bogs still capable of natural regeneration, due to the terrestrial nature of the QI, and the absence of a complete source pathway receptor chain.	N/A
[7150] Depressions on peat substrates of the Rhynchosporion	Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in River Moy SAC.	There is no potential for indirect effects on this QI habitat: Depressions on peat substrates of the Rhynchosporion due to the terrestrial nature of the QI, and the absence of a complete source pathway receptor chain	N/A
[7230] Alkaline fens	To maintain the favourable conservation condition of	There is a potential pathway for indirect effects on the downstream terrestrial dependent Qualifying Interests	As set out above

		(QIs) including Alkaline fens associated with construction of the Proposed Development in the form of deterioration in groundwater quality during construction if groundwater was encountered during excavation works.	
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## **Assessment of issues that could give rise to adverse effects view of conservation objectives**

### **(i)Water quality degradation**

Indirect effects as a result of the Proposed Development, and in the absence of mitigation have the potential to cause deterioration of water quality via surface water pathway. The Proposed Development has the potential to impact on water quality and associated aquatic Qualifying Interests through a potential pollution event generated during the construction phase of the Proposed Development.

Specific measures will be implemented on site to avoid potential for surface water and ground water pollution. The implementation of these measures on site will avoid potential for significant impacts on this downstream European Site and its associated QIs.

### **Mitigation measures and conditions**

Best practice environmental control measures have been incorporated into the design of the development as well as site specific measures to ensure the protection of ground and surface water during construction. These measures are detailed in the CEMP submitted as part of the planning application and the measures relevant to the protection of surface and ground water during construction.

Mitigation measures set out within the NIS submitted are captured under condition no. 2 on my recommendation.

### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in section 8 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

### **Findings and conclusions**



The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

**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 River Moy SAC [002298]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects

## Appendix 5

### Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322223-25	Townland, address	Castlebar Road & Kiltimagh Road, Newpark & Swinford townlands, Swinford, Co. Mayo.
Description of project		Construction of a single storey discount foodstore comprising a gross floor area of 1908sq.m and all associated site works.	
Brief site description, relevant to WFD Screening,		Site is located within an area of little elevation with freely draining earths, located in a urban location. The subsoil on the site is identified as a till type. Till is sediment deposited by or from glacier ice.	
Proposed surface water details		Surface water will be drained to a soakage area and discharged to groundwater	
Proposed water supply source & available capacity		It is proposed to connect to the existing mains to serve the proposed development in terms of water supply. Pre connection agreement indicates that there is capacity in the network.	

Proposed wastewater treatment system & available capacity, other issues			It is proposed to connect to the existing mains to serve the proposed development in terms of waste water. Pre connection agreement indicates that there is capacity in the network.			
Others?			Not applicable			
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 (e.g. surface run-off, drainage, groundwater)
River Waterbody	435m to the north west.	Lisheenabrone river IE_WE_34M020650	Good	Not at Risk	N/A	existing culvert within the site which flows to a drain outside the

						northwest corner of the site
River Waterbody	5km to the west	Moy River IE_WE_34M020650	Good	Not at Risk	N/A	Lisheenabrone river  (via existing culvert within the site which flows to a drain outside the northwest corner of the site)
Groundwater waterbody	Underlying site	Swinford IE_WE_G_0033	Good	Not at risk	No pressures	Free draining soil conditions.
<b>Step 3: 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.</b>						
<b>CONSTRUCTION PHASE</b>						

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.	Site clearance & Construction	Lisheenabrone river IE_WE_34M020650	Existing	existing culvert within the site which flows to a drain outside the northwest corner of the site.	Mitigation proposed as part of the NIS submitted. Standard Construction Measures / Conditions	No	Screened out
2.	Site clearance & Construction	Moy River IE_WE_34M020650	Existing	Lisheenabrone river  (via existing culvert within the site which flows to a drain outside	Mitigation proposed as part of the NIS submitted. Standard Construction Measures / Conditions	No	Screened out

				the northwest corner of the site)			
3.	Site clearance & Construction	Swinford IE_WE_G_0033	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	Lisheenabrone river IE_WE_34M020650	Existing	Suds measures incorporated in design.	Mitigation proposed as part of the NIS submitted.	No	Screened out
	Surface	Moy River IE_WE_34M020650	Existing	Suds measures incorporated in design	Mitigation proposed as part of the NIS submitted.		
4.	Ground	Swinford IE_WE_G_0033	None	None	No	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA	NA	NA	NA	NA	NA	NA