



Inspector's Report

PL-500788-RN-26

Development

Demolition of derelict structures and the repair and refurbishment of the terrace to provide 5 residential dwellings.

Construction of a discount food store (to include off licence use) and all site development works.

Location

The Former Candon's Site and lands to the rear of Patrick Street, Boyle, Co. Roscommon.

Planning Authority

Roscommon County Council.

Planning Authority Reg. Ref.

2560068.

Applicant(s)

Aldi Stores (Ireland) Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission + Conditions.

Type of Appeal

First Party & Third Party Normal Planning Appeal.

Appellant(s)

Brian O'Sullivan.

Aldi Stores (Ireland) Limited.

Observer(s)

Boyle Town Team.

Danny Tiernan.

Date of Site Inspection

15th April 2026.

Inspector

C. Daly.

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1.0 Site Location and Description

- 1.1. The subject site, of area 0.84ha., consists of a two storey terrace of buildings fronting on to Patrick Street with a narrow separation in the streetscape between another derelict building to the west. The gap in the streetscape allows for access towards the rear of the site which opens up into a wider greenfield site area. The buildings fronting the street are in a poor state internally with gaps noted in the roofs and there are also some ruinous structures to the rear of the terrace. The site slopes downhill somewhat away from the street. Two of the terraced buildings at the front of the site are noted on the NIAH, an end of terrace house and shop (NIAH ref. 31804036) and a terraced house (NIAH ref. 31804035).
- 1.2. There is a three storey terrace building adjacent to the east, a co-working facility called the Spool factory, and there is a terrace of two storey dwellings to the west along the street. Adjacent to the site to the east are a number of sheds along Eaton Lane. To the south and west there are open grass lands and to the south-west there is a large detached dwelling and garden. Also to the south-east is Frybrook House, a protected structure.
- 1.3. The site is within the town core of Boyle and is c.130 north-west of the junction with Bridge Street and Main Street.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Demolition of derelict building and structures (1,043 sqm) to the rear of the two storey terrace on Patrick Street.
 - Repair and refurbishment of the terrace to provide 5 no. two storey residential dwellings (three no. one bed and two no. two bed) each with private amenity space, car parking and communal bin storage.
 - Construction of a single storey discount food store (including off license) of 1,839sqm (net retail area 1,315sqm).
 - Construction of separate ESB substation and switch room.

- One internally illuminated two sided pole sign at site entrance at Patrick Street, two internally illuminated store signs at north and east elevations.
- 96 no. car parking spaces and 10 no. bicycle parking spaces.
- Reconfigure site access from Patrick Street to lands to rear.
- Landscaping works, boundary treatments and solar panels at roof level.

2.2. The application includes the following documents:

- Cover letter.
- Copy of site notice.
- Copy of newspaper notice.
- Applicant consent to agent letter.
- Letters of owner consent.
- Part V letter prepared by John Spain Associates.
- Retail Impact Statement and Planning Report prepared by John Spain Associates.
- Architectural Drawings prepared by Arthur Gibney Architects.
- Schedule of Accommodation & Housing Quality Assessment prepared by Arthur Gibney Architects.
- Civil Engineering Drawings prepared by Downes Associates.
- Civil Engineering Report prepared by Downes Associates.
- Traffic Impact Assessment by TPS M. Moran and Associates.
- Landscape Drawings and Report prepared by Stephen Diamond Associates Landscape Architects.
- Lighting Drawings prepared by Ipsum Consulting Engineers.
- Architectural Heritage Impact Assessment prepared by ARC Consulting.
- Tree Survey Drawings & Arboricultural Report prepared by John Morris Arboricultural Consulting.

- Appropriate Assessment Screening Report prepared by Altemar.

2.3. At F.I. stage, changes were made to the facades of the food store to include natural stone element and the southern site boundary treatment including an estate railing and additional planting.

2.4. I note that the F.I. response included the following documents:

- Revised Architectural Drawings & Issue Sheet prepared by AGP Architects.
- Planning FI Response Design Statement prepared by AGP Architects.
- Ecological Impact Assessment prepared by Altemar.
- FI Response prepared by ARC.
- Construction Environmental Management Plan prepared by Byrne Environmental.
- Resource & Waste Management Plan prepared by Byrne Environmental.
- Verified Montages prepared by Digital Dimensions.
- Archaeology Assessment prepared by IAC.
- Revised CGI prepared by Monolith.
- Site Specific Flood Risk Assessment prepared by Punch Consulting Engineers.
- Structural Engineering Report - Existing Buildings prepared by Downes Associates.
- Response to Planning RFI prepared by Downes Associates.
- Revised Landscape drawings prepared by Stephen Diamond Associates.
- Landscape & Visual Impact Assessment prepared by Stephen Diamond Associates.
- Traffic & Transport FI Report prepared by TPS Associates.
- Part V costings prepared by Albert Strain Associates.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Roscommon County Council initially decided to request further information in relation to the architectural design of the food store given the close proximity to Boyle ACA and Frybrook House (a protected structure) including in relation to:

- its elevation treatments,
- details of compliance with sections 3 and 8 of the Retail Design Manual,
- detailed Visual Impact Assessment and updated Architectural Heritage Impact Assessment showing the revised design including photomontages,
- a more detailed assessment of the condition and stability of the current building fabric and updated Architectural Heritage Impact Assessment,
- an Ecological Impact Assessment which assesses potential impacts on bats and habitats/fauna of local importance,
- visual aids and plans and elevations of all boundary treatments,
- a tier 2 Construction and Demolition Waste Resource Management Plan,
- an assessment of the structures for demolition,
- revised proposals for surface water related to nature-based solutions,
- a revised site layout plan identifying any Uisce Éireann wastewater infrastructure traversing the site,
- a revised Traffic Impact Assessment including analysis of the road junction with the N61,
- on-site proposals for active travel arrangements including for permeability to and through the site,
- statement of compliance with DMURS,
- Stage 1 and 2 Road Safety Audit including revised design incorporating recommendations,
- Costs associated with Part V,

- Site Specific Flood Risk Assessment given part of the site is within Flood Zone A and noting the constrained land use zoning,
- an Archaeological Impact Assessment as the site is within an area of archaeological potential around a recorded monument and,
- an updated outline Construction Environmental Management Plan.

3.1.2. Following F.I. it was decided to grant permission subject to 36 conditions. Notable conditions include:

- Condition no. 1 requires the development be carried out with the plans and particulars submitted including at F.I. stage and specifically states that “*the permitted development site only comprises of lands within the red line boundary depicted on the site layout plan*” and that “*the permission does not permit works outside the identified red line site boundary, on the public road and footpath, in the arrangement depicted on the site layout plan...all off-site works necessary to facilitate safe access / egress, active travel and connectivity shall be governed by the stipulations of Condition No. 3 of this permission*”.
- Condition no. 2 requires a revised southern boundary treatment wall; amendments to the south elevation of the food store including additional panels of natural stone cladding and glazing to animate; amendments to the north elevation of the food store to include two additional full length stone cladding panels; and details of the external material finishes.
- Condition no. 3, inter alia, requires a revised site layout plan and specifications for the works on the public road, revised proposals for the treatment of the public road and footpath along the site frontage, demonstration of the recommendations of the RSA and DMURS compliance statement and a Section 47 agreement to regulate the works to the public road.
- Condition no. 4 includes a requirement for the enabling works (referred to in the structural survey) to the terrace building to be carried out.
- Condition no. 5 requires the implementation of a phasing scheme which requires the demolition and refurbishment of the existing buildings prior to any other element of the development.

- Condition no. 6 requires, prior to commencement, the carrying out of an archaeo-geophysical survey and archaeological test excavations.
- Condition no. 7 requires an agreement be entered into under Section 96 of the 2000 Act.
- Condition no. 8 requires a Section 47 agreement in relation to first occupation of the dwellings.
- Condition no. 9 requires the submission of a comprehensive public lighting proposal prior to commencement of development.
- Condition no. 10 requires, prior to commencement of development, the submission of a comprehensive landscape plan.
- Condition no. 11 requires the submission of a Construction and Environmental Management Plan for the construction stage for prior agreement.
- Condition no. 14 requires the development be undertaken as a single entity developer led project with the sale of any element not permitted.
- Condition no. 15 requires the full implementation of the measures outlined in the Flood Risk Assessment and the Ecological Impact Assessment.
- Condition no. 17 requires that no dwelling permitted be occupied until all elements of Phase 1 of the development are fully completed.
- Condition no. 18 requires no commencement of development until the developer obtains a connection agreement from Uisce Éireann for the necessary service connections.
- Condition no. 22 requires a minimum of one EV charge point for each five car parking spaces.
- Condition no. 26 requires that if bats are discovered during the carrying out of the development that works will cease and a suitably qualified ecologist/bat specialist be sought before works can recommence and that trees felled on the site shall be left in situ overnight before any removal, cutting or chipping is carried out.

- Condition no. 30 requires nature based solutions for surface water management be incorporated into the design.
- Condition no. 33 requires details of all advertising signage to be submitted for agreement with the P.A. prior to occupation of the food store.
- Condition no. 34 requires no advertising signs, structures, banners, canopies, flags or other projecting element be displayed or erected on the retail unit or on the site.
- Conditions in relation to construction, demolition and waste management are also included.

3.2. Planning Authority Reports

- 3.2.1. The initial Planner's Report assessment noted that the site zoning is for both 'Peripheral Town Centre' and 'Core Town Centre' in the Boyle LAP. It noted that residential and supermarkets are permitted in principle under the zoning. Noting the submitted Retail Impact Assessment (RIA), it considered that given the constraints identified related to the alternative sites that they are not suitable for the development. It noted the appropriate zoning and location adjacent to the retail town core such that the location is appropriate for retail.
- 3.2.2. The assessment considered that the residential development would have a positive impact on the vitality and viability of the town. It noted it would repurpose the vacant structures and would align with the NPF and the LAP in consolidating the town centre. In terms of visual impact and design, it considered that a tailored site specific design solution was required.
- 3.2.3. In relation to the proposed access from Patrick Street, it noted that the TIA concluded there would be sufficient reserve capacity to accommodate the associated traffic but that the roads section noted they required its scope be extended to include the junction with the N61. It also noted the requirement for an RSA and DMURS compliance statement and an active travel plan including permeability links. It noted the shortfall of parking spaces by reference to the CDP but considered this acceptable in the town centre location and noting the alternative travel modes available.

- 3.2.4. It noted that the proposed discharge of surface water to a culvert to the Boyle river which is at risk of flooding is not considered optimal and it recommended the inclusion of further SUDS measures. It noted that the Strategic Flood Risk Assessment of the Boyle LAP noted that a small area within a constrained land use such that a detailed Flood Risk Assessment is required.
- 3.2.5. It noted that the terrace is within the Boyle ACA and that two of the buildings are included on the National Inventory of Architectural Heritage. It noted that the Architectural Heritage Impact Assessment highlighted a requirement for significant supplementary evidence to substantiate that there would be no undue negative impact on the architectural heritage of the area. It also noted Frybrook House, a protected structure, c.53m to the south. It noted the proposed stone wall to the south and screen planting. Noting the potential for adverse impacts on the protected structure and ACA it sought further information to include a revised tailored design to ensure appropriate impacts and a revised AHIA to include details of the works and the elements of the internal and external fabric to be retained, restored or removed.
- 3.2.6. It noted that the Department of Housing, Local Government and Heritage have noted the groundworks to be within an area of archaeological potential and request an Archaeological Impact Assessment be undertaken. The report had serious concerns with the ability of the existing buildings to withstand the proposed interventions and recommended that a comprehensive structural survey be submitted.
- 3.2.7. Following further information, the Planner's Report in relation to item 1 of their request noted the submission of an updated design for the food store building on the same footprint which provides for the replacement of the metal cladding with concrete panels painted in a light colour and the introduction of a natural stone finish sections of panels within the façade. It noted the introduction of more fenestration into the elevations. It noted the submitted landscaping plan included a railing along the southern site boundary to screen the development from Frybrook House.
- 3.2.8. It noted that the submitted Landscape Visual Impact Assessment (LVIA) noted a moderate-slight level of visual impact from the viewpoint from Frybrook House with other impacts noted to be imperceptible to slight-imperceptible. It noted that the LVIA noted that substantial mitigation will settle the proposed development in the existing

landscape. It noted the submitted statement of compliance with the Retail Design Manual which noted the conservation of the streetscape and the creation of an open modern retail block to the rear.

3.2.9. It considered that the redevelopment of the terrace buildings would contribute positively to the streetscape and would give vibrancy and vitality to the street and town. It recommended a condition requiring more detail in relation to the elements of the buildings to be preserved including an updated Architectural Heritage Impact Assessment (AHIA) detailing conservation methods. In relation to the food store, it considered that the updated design gives more animation but recommended a condition requiring additional modelling on the north and south elevations and also the provision of a stone wall along the southern boundary in lieu of the railings and landscaping.

3.2.10. In relation to item 2 of the F.I. response due to the poor condition of the buildings it noted the proposal for enabling works after which a structural appraisal and AHIA could be conducted. It recommended a condition requiring a detailed structural appraisal post-enabling works to inform the conservation requirements of the terrace. It noted that the AHIA noted that the revised finishes for the food store would echo the design finishes of the historic buildings in Boyle to integrate it with the architectural language of the ACA. It noted this and that the photomontages show it would not be highly visible from the main streets of Boyle such that no undue significant impacts on the character of Boyle are anticipated. It noted that additional measures are required to mitigate the impact on Frybrook House from the south.

3.2.11. In relation to F.I. item 3 it noted the EclA noted bats and badgers on the site and recommended that an artificial replacement badger sett be placed in the ecological parkland to the west and that a derogation licence be obtained for the removal of a bat roost on the site. It noted that the extension of the red line area to the west cannot be considered by the P.A.. It noted that a number of other mitigation measures were recommended which can be reinforced by condition.

3.2.12. In relation to surface water drainage, it noted the proposals for permeable paving to overflow to attenuation storage, the use of rain gardens with overflow to attenuation storage for trafficked areas and that the attenuation storage will

discharge to the existing surface water drainage system at a greenfield rate and this was considered acceptable.

3.2.13. It noted the updated TTA noted no material impact on the operation of the junction with Green Street, Main Street and Bridge Street. It noted that matters in relation to compliance with DMURS and the RSA can be addressed by condition. It noted that the Flood Risk Assessment concluded that with the implementation of the of the mitigation measures there would be a low risk of fluvial flooding and no increase in the risk of flooding to any adjacent or nearby area. It recommended a condition to require the implementation of the mitigation measures.

3.2.14. In relation to the Archaeological Impact Assessment, it noted that the Department of Local Government and Heritage recommended an Archaeo-geophysical survey and programme of targeted archaeological test excavation be required by condition. It concluded by recommending that permission be granted and that a phasing condition be included that requires the delivery of the proposed housing prior to the development of the food store.

3.2.15. **Other Technical Reports**

- Housing: No objection subject to condition. Following F.I.: No objection subject to conditions.
- Roads: Further information required in relation to expanding the scope of the TIA to include the junction with the N61. Following F.I.: No objection subject to conditions.
- Boyle Municipal District Office: No responses.
- Community and Enterprise Regeneration Unit: No response.
- Heritage Office: No responses.
- Environment Section: F.I. required in relation to construction waste management. Following F.I., conditions recommended in relation to waste management.
- Chief Fire Officer: No response.

3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage: Request an Archaeological Impact Assessment to include archaeo-geophysical survey and targeted archaeological test excavations should be required by condition.
- Uisce Éireann: No response.
- An Taisce: No response.
- The Heritage Council: No response.

3.4. Third Party Observations

Four no. third party observations were received which can be summarised as follows:

- The development and its large scale is contrary to the site zoning where a discount food store is not normally permitted under the Boyle LAP.
- The development will be reliant on car travel and being outside the retail core will negatively impact on existing retailers.
- There will be a significant negative impact on retailers within Boyle and in other towns and villages.
- Regarding the sequential test, if the development did not have such a large car park/ land take, there would be plenty of sites available.
- The town is in need of renovation and the food store will allow people to shop there and also in the town instead of in Aldi or Lidl in Carrick on Shannon.
- Negative impacts on residential amenity and on tourists due to traffic, air and noise pollution.
- The negative impacts on Frybrook House, a protected structure, and on the ACA and town, require a visit to the grounds to see and the boundary wall will divide the landscape of the demesne.
- The water supply to Frybrook House could be impacted as the mains crosses the site.
- Concerns in relation to flooding and drainage.

- Patrick Street is not wide enough for HGVs and sightlines are absent. There will be traffic congestion as a result.
- Failure to adhere to car parking standards.
- Loss of habitat and wildlife on the site.
- The monument on the site could be impacted.
- Issues with the site notice being misleading.

4.0 Planning History

Subject Site

None.

Sites in the Vicinity

18441: Permission granted by the P.A. for change of use of ground floor restaurant area to office space with associated ancillary accommodation at The Spool Factory, Patrick Street, Boyle.

19439: Permission granted by the P.A. for the renovation and extension of the existing dwelling house, including the conversion of existing dwellinghouse, including the conversion of existing garage to living accommodation at site adjacent to south-west at Mockmoyne, Boyle.

5.0 Policy Context

5.1. Roscommon County Development Plan 2022-2028 (the CDP)

Frybrook House (RPS ref. 0060252) to the south is a protected structure.

Boyle is designated as a self-sustaining growth town (population > 2,000) in the CDP.

In the settlement hierarchy this is described as *“Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more Self-Sustaining”*.

In relation to strategic objectives for the future growth of Boyle, it includes the following: *“Implement the objectives of the “Boyle 2040” Town Enhancement Plan to deliver the regeneration and redevelopment of the town centre”*.

Policy Objective CS 2.13 *Ensure that Boyle is a driver of growth and prosperity within its catchments, by consolidating the residential, retail and service bases, protecting and enhancing the distinctive town centre character and the natural landscape settings, and maximising its role for growth.*

Policy Objective CS 2.14 *Prepare a Local Area Plan (LAP) for Boyle within the lifetime of this Plan.*

Chapter 4 – Towns and Villages

Section 4.2 Placemaking

Policy Objective TV 4.1 *Promote and facilitate the sustainable development of a high quality built environment in order to create a distinctive sense of place, with attractive streets, spaces, and neighbourhoods that are accessible and provide safe places for the community to meet and socialise.*

Section 4.3 Towns and Village Vision

Policy Objective TV 4.9 *Encourage the redevelopment of centrally located vacant and/or underutilised areas within towns and villages.*

Section 4.5 Town and Village Vibrancy

Section 4.9 Town Centre Living

Policy Objective TV 4.16 *Encourage and promote the adaption of vacant former retail/commercial buildings for residential use in order to repopulate existing settlements. In order to ensure that such proposals do not undermine the vitality and service functions of towns and villages, it will be necessary to demonstrate that no retail or commercial demand exists.*

Section 4.11 Strategic Land Use Strategy

This Plan advocates a more strategic and innovative land use strategy, in which the number of land use zones in the Settlement Plans are consolidated and simplified. This is intended to provide greater flexibility and facilitate a wider mix of compatible

uses, particularly in core urban areas. In conjunction with the rationalised zoning approach, a simplified land use zoning matrix has also been introduced in respect of each settlement, with a focus on general classes of use, as opposed to the more traditional prescriptive matrix list of development types.

Chapter 6 – Economic Development

Section 6.4 Retail Strategy

Policy Objective ED 6.12 Ensure that all proposals for retail development comply with the principles outlined in the Retail Planning Guidelines for Planning Authorities (2012) and the County Roscommon Retail Strategy which accompanies this plan, or any subsequent update of the Guidelines or Strategy.

Policy Objective ED 6.13 Protect and reinforce the established central retailing and service areas of town centres and encourage and facilitate retailing, particularly convenience and non-bulky comparison retail uses, as the key function within the town and village centres of the county.

Policy Objective ED 6.14 Permit retail development of a size and scale which is appropriate to the level of the settlement area, including its population, as defined within the county retail hierarchy. This policy is intended to consolidate and reinforce existing retail enterprises within the county and permit the development of additional retail floorspace where such development is deemed to be appropriate.

Policy Objective ED 6.15 Prioritise the uptake of existing vacant retail floorspace above the development of new additional retail floorspace. In addition to a requirement to adhere to the sequential approach in respect of the location of new retail development proposals, evidence will also be required to substantiate the need for new retail floorspace development.

Chapter 9 – Built Heritage

Section 9.3 Architectural Conservation Areas

Map 9.2 shows the area of Boyle ACA

Policy Objective BH 9.5 *Ensure that new developments within or adjacent to an ACA respects the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes.*

Policy Objective BH 9.6 *Protect existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture, which are considered to be intrinsic elements of the special character of the ACA, from demolition or removal and non sympathetic alterations.*

Policy Objective BH 9.7 *Ensure that all new signage, lighting, advertising and utilities to buildings within an ACA are designed, constructed and located in a manner that is complementary to the character of the ACA.*

Chapter 10 – Natural Heritage

Policy Objective NH 10.4 *Proposals where woodland, tree or hedgerow removal is proposed will be required to demonstrate a sufficient level of protection to Annex IV species, such as Bats and Otter, in accordance with the Habitats Directive.*

Chapter 12 – Development Management Standards

Section 12.15 Commercial Development

Retail Development *The importance of consolidating and protecting the vitality and viability of town centres to enable the towns and villages of Roscommon to thrive is recognised by the Council. In this regard, new planning applications should comply with the retail policy objectives outlined in Chapter 6 (Economic Development) of this Plan and in the accordance with the accompanying County Roscommon Retail Strategy and the Retail Planning Guidelines.*

Section 12.16 Urban Character and Streetscape

Proposed developments should:

- *Endeavour to utilise derelict and underutilised structures and sites. The grouping of individual properties in the backland situation may be desirable in order to achieve a coherent design solution in accordance with the appropriate zoning of any given area (if applicable). As a priority, urban regeneration will be encouraged;*

- *Respect existing streetscapes in its design, height and scale. Proposals for consideration should be presented in the context of the overall streetscape to enable comparative evaluation;*
- *Ensure preservation and appropriate development of buildings of architectural and historical significance (listed buildings and protected structures);*
- *Provide adequate servicing and car parking;*
- *Ensure that traffic management considerations are employed to minimise disruption and traffic hazard.*

Section 12.23 Architectural Conservation and Archaeology

Proposals for development within an ACA that involves a new building, reuse or change of use and extensions will generally be required to:

- *Conserve and enhance the character and appearance of the ACA;*
- *Respect the scale, massing, proportions, design and materials of existing structures;*
- *Retain important exterior architectural features that contribute to the character and appearance of the ACA.*

The demolition of a building within an ACA will generally not be permitted unless the Council is satisfied that the structure or building does not contribute positively to the character or appearance of the ACA or the building /structure is beyond viable renewal.

Section 12.24 Roads and Transportation

Table 12.1 Car Parking Standards

For residential, the minimum spaces is 1.5 per unit.

For shops over 1,000sqm gross, the minimum spaces to be provided is 1 space per 10sqm

Table 12.2 Bicycle Parking Standards

Minimum cycle parking standard is 1 per dwelling house.

For supermarkets and large stores, the minimum standard is 1 space for every 200sqm of gross floor space.

5.2. Boyle Local Area Plan 2015 – 2021 (expired)

Section 18(4)(a) of the 2000 Act requires a local area plan to indicate the period for which the plan is to remain in force. The period of the LAP is 6 years as confirmed by in Section 2.4 and in the last paragraph of Section 5.2 of the LAP. Therefore the LAP was effective from 21st December 2015 until 20th December 2021. I note no resolution of the Council to extend it.

However, Boyle Local Area Plan 2015-2021 is listed on the Roscommon County Council website under current plans. A pre-draft issues paper for a new LAP was issued with the closing date for consultation responses of 29th July 2022. It is noted that a draft LAP has not yet been prepared. The Boyle Settlement Plan is currently at preparation stage. It is proposed that it be incorporated into the CDP. Written submissions in relation to the Boyle Local Transport Plan, which will inform the Boyle Settlement Plan, closed on 4th May 2026.

Chapter 6 – Land Use Zoning Figures and Matrix

Section 6.1.1 Land Use Zoning Objectives and Matrix

TC1 Core Town Centre (Mixed Development)

- *Protect and enhance the special physical and social character of the existing town centre and provide for new and improved town centre facilities and uses such as shopping and retail stores, office development, tourism-related activities and appropriate public services, and any over the shop type uses.*
- *Protect and enhance the vitality, function and form of the town centre having regard to any Architectural Conservation Area and the overall status of the heritage in the area.*
- *Provide for a range of residential and commercial facilities within an attractive accessible environment with adequate provision for associated vehicular requirements – including parking and loading/unloading.*
- *Improve civic amenity by requiring high standards of urban design.*

- *Encourage the regeneration of backlands and derelict buildings, particularly the use of upper floors, preferably for residential use.*
- *Prohibit disorderly development of backlands.*
- *Require the inclusion of appropriate open spaces in development in this zone.*

TC2 Peripheral Town Centre

- *Provide for the development of mixed-use neighbourhood areas containing a mixture of residential, retail and commercial facilities in an integrated, sustainable setting.*
- *Provide for a range of residential and commercial facilities within an attractive accessible environment with adequate provision for associated vehicular requirements – including parking and loading/unloading.*
- *Improve civic amenity by requiring high standards of urban design.*
- *Encourage the regeneration of derelict buildings and appropriate development on infill sites, including residential development and upper floor apartments.*
- *Regulate where appropriate any subdivision of existing residential units.*
- *Prohibit disorderly development of backlands.*
- *Have regard to ACAs and the overall heritage of the area.*
- *New development in this zone should not prejudice the viability of established land uses.*
- *Require the inclusion of appropriate open spaces in development in this zone.*

Under the TC1 and TC2 zoning, residential and shop-supermarket are permitted in principle. Residential on TC1 lands is not normally permitted for exclusively residential proposals.

Shop-discount food store use is not normally permitted under the TC1 zoning and is open for consideration under the TC2 zoning.

5.3. Relevant National or Regional Policy / Ministerial Guidelines

- Retail Planning Guidelines (2012). Section 4.4 and Appendix 1 relate to the sequential approach for retail development. Section 4.9 relates to Retail Impact Assessment.
- Architectural Heritage Protection Guidelines (2011). Section 13.1 in relation to the definition of a curtilage of a protected structure, inter alia, that *“the notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. It should be noted that the meaning of ‘curtilage’ is influenced by other legal considerations besides protection of the architectural heritage and may be revised in accordance with emerging case law”*.
- Quality Housing for Sustainable Communities Guidelines (2007).
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009).

5.4. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.2.1km south-west of Drum Bridge (Lough Key) PNHA (site code 001631).
- c.3km north-east of Lough Gara PNHA (site code 000587).
- c.3.1km south-west of Tawnytaskin Wood (Lough Key) PNHA (site code 001651).
- c.4km south-west of Drumman’s Island (Lough Key) PNHA (site code 001633).
- c.6km north-east of Lough Gara SPA (site code 004048).
- c.6.1km south-west of Fin Lough (Roscommon) PNHA (site code 001636).
- c.6.2km south of Lough Arrow SPA (site code 004050).
- c.6.2km south of Lough Arrow SAC (site code 001673).
- c.6.4km north-east of Tullaghan Bog (Roscommon) NHA (site code 001652).
- c.7km south-east of Bricklieve Mountains and Keishcorran SAC and PNHA (site code 001656).
- c.8km north-east of Cornaveagh Bog NHA (site code 000603).

- c.8.6km north-east of Bella Bridge Bog NHA (site code 000591).
- c.8.9km west of Lough Drumharlow PNHA (site code 001643).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. First Party Grounds of Appeal

The grounds of the first party appeal on behalf of the applicant, Aldi Stores (Ireland) Limited seeks amendments and omission of conditions 1, 2, 5 and 14 of the decision to grant permission. The appeal can be summarised as follows:

Condition 1

- In relation to Condition 1, where it restricts the permission based on the red line area per the Proposed Site Plan at F.I. stage, the applicant has sufficient legal interest to carry out the mitigation measures in the EcIA for the parkland to the west.
- The Proposed Site Plan will contribute ecologically and visually to the scheme.
- There is conflict between condition 15 which requires the mitigation measures in the Flood Risk Assessment and the EcIA to be carried out while condition 1 excludes the area in which they would be carried out.
- Condition 1 in its current format is unnecessary and undermines the recommendations of the EcIA.
- The amendment to the red line boundary area follows the Council's F.I. request, is appropriate and is required to implement the full extent of the proposed development and the recommended mitigation measures.
- Amendment to red line areas following F.I. requests is standard practice.
- The P.A. had the opportunity to deem the F.I. response significant given it contained significant ecological and local environmental information in the EcIA and the P.A. should have accepted the red line change and deemed it significant if required.

- It is important that clarity is provided on this matter to allow implementation of the mitigation measures and the area of ecological parkland contributing to a biodiversity gain at the location.
- An amended wording is put forward which states that no works are permitted outside the red line boundary, on the public road and footpath per the site layout plan and that all off-site works be governed by condition 3.
- The reworded condition is necessary, relevant to planning and to the criteria of the Development Management Guidelines 2007.

Condition 2

- The wording of condition 2a should be amended to allow the boundary treatment for a low wall topped with railing with hedgerow and tree planting forming a green wall as agreed with the owners of Frybrook House.
- This will integrate with the sylvan nature of the open space to the south.
- The verified photomontages (9 and 10) demonstrates the visual and landscape merits of the proposed boundary treatments which will largely screen the Aldi store with the limited lighter palette reflecting the façade of Frybrook House.
- The submitted Landscape and Visual Impact Assessment notes a low visual impact on Frybrook House.
- The statement in the appeal from the landscape architects notes the positive impact of replacing heavy construction with appropriate green infrastructure and with various benefits listed including biodiversity enhancement.
- The architect's statement notes the benefits of the landscaped boundary treatment including allowing for movement of wildlife and that the building height will be subservient to the native tree heights proposed.
- Condition 2b is unnecessary given the southern façade will be largely screened and the frequency of views from the adjacent private land are likely to be low per verified montage 9.

- The green screening is more appropriate than the more visible stone wall required by the P.A. as demonstrated in the appeal montages and the architects consider the P.A. approach inferior.
- Mid level windows will be obscured within the store by fridges, freezers and shelving and they will have no benefit to the visual appearance to the south.
- Condition 2c is unnecessary as the additional stone clad panels will provide no significant enhancement of the building given the low visibility in the backland.
- The conservation architects recommended a locally sourced natural stone finish informed by calp limestone found in the area.
- The revised CGI at F.I. stage showing the view from Patrick Street demonstrates the limited views into the site and that the building will be screened.
- The car park will be visually screened from Patrick Street.
- A revised wording for condition 2 is suggested which would require details of the external materials consistent with the elevations submitted at F.I. stage to be agreed with the P.A. prior to commencement of the development.

Condition 5

- The applicant considers this condition to be overly constraining in commercial viability terms as it restricts attracting a development partner for the housing and given that conservation architects are required.
- Greater flexibility is required and the applicant is committed to implementing the scheme in full and the development can be implemented in a single phase.
- Requiring the completion of the residential element in full prior to commencement of the retail scheme will not be efficient, is unnecessary and will prolong the construction programme resulting in greater traffic disruption and greater impact on residential amenity.
- The alternative condition wording proposed will allow the residential element to be completed prior to the operation of the store and will allow the applicant to work with a development partner with the correct specialism.

- The planning assessment did not provide a justification for a phasing condition which is contrary to the Development Management Guidelines 2007 and to the planning and development regulations.
- This is supported by precedents in Kilcock, Tullamore and Bray where phasing conditions were not included in the grants of permission and the applicant has a track record of delivering the non-retail elements of its developments.
- Revised condition wording put forward that would require a single phase and the completion of the non-food store elements of the developments prior to the occupation of the Aldi store.

Condition 14

- In relation to condition 14 for a single developer with no sale of any element allowed, given the wording put forward for condition 5, this condition would no longer be necessary and should be omitted.
- There is no justification for this condition in the Planner's Report.
- This condition will be counterproductive and will prevent the implementation of the development.

6.1.2. Third Party Grounds of Appeal

The grounds of the third party appeal by Brian O' Sullivan can be summarised as follows:

- Discount store use is noted as not being normally permitted within the TC1 (Core Town Centre) zoning and compliance with the objectives for this zoning has not been demonstrated.
- A substantial number of the items requested as F.I. were not responded to and dealt with by post consent conditions.
- The development would be contrary to the zoning and out of context.
- The ground works are within the area of a national monument and an archaeo-geophysical survey and test excavations should have been carried out.

- The development would be out of character and not respectful to the Boyle ACA and to the buildings on the site designated on the National Inventory of Architectural Heritage (NIAH) with part of the area of the ACA proposed as car parking.
- The development would seriously detract from the architectural merit of Frybrook House, a protected structure 50m to the south, in which curtilage it would be located within and it would be out of character with the area and the environs.
- The sightlines shown for the entrance fall well short of the DMURS requirement for 49m sightlines such that there will be a potential safety risk.
- The entrance gate would constitute a traffic hazard.
- The width of Patrick Street is inadequate to cater for the scale of traffic that would result.
- The footpath in front of the site, at 1m wide, is inadequate to cater for the pedestrians that will use it.
- The shortfall of 36 car parking spaces will lead to further parking along Patrick Street contributing to traffic congestion in the area.
- The F.I. items in relation to the volume of traffic were not addressed and were dealt with by condition and the requested information should have been made available to the P.A..
- Enclosures include, inter alia, an extract from DMURS in relation to forward visibility requirements and an overhead satellite photo of the site.

6.2. **Applicant Response in the case of a 3rd Party Appeal**

A response was received on behalf of the applicant which can be summarised as follows:

Zoning and Policy

- The CDP advises that the land-use zoning objectives for the town are given in the Boyle LAP 2015-2021.

- The Planner's Report confirms that the LAP remains a material consideration prior to the adoption of any new land use zoning strategy for Boyle.
- The proposed Aldi store falls under the category of "supermarket" per the Retail Planning Guidelines with the distinction between discount stores and other convenience stores no longer applicable.
- 'Supermarket' is listed as permitted in principle under the TC1 and TC2 land use zonings applicable to the site. 'Residential' is also permitted in principle.
- The idea that discount food store is not normally permitted depends on outdated planning policy which no longer applies.
- The principle of a mixed retail and residential development is acceptable and in compliance with the LAP.
- In the case at Kilrush Road, Ennis (ABP-311569-21) the Inspector stated that the distinction between discount stores and other convenience formats "no longer applies" per the 2012 retail guidelines.
- The development is supported by the strategic objectives for Boyle where an expanded range of services and facilities is provided for and residential consolidation is also sought.
- The development will support the policy role of Boyle as a self-sustaining growth town and as an economic driver for the area.
- The development delivers substantial planning and conservation gain through the refurbishment and activation of five derelict buildings along Patrick Street and this is supported by LAP policies 84, 87, 93 and 94.
- The development incorporates the regeneration of five derelict NIAH-listed buildings.
- The development is supported by the First Revision to the NPF in achieving compact growth through the efficient re-use and regeneration of a partially brownfield site and appropriate mixed development in a town centre.
- The development will assist with achieving the objectives of the Town Centre First policy.

- The Retail Impact Statement confirms compliance with the retail planning guidelines in terms of sequential development, reinforce the vitality and viability of the town and the quantitative assessment shows that significant convenience expenditure will remain available within the town and that no material adverse impact on existing traders will arise.
- The development supports the County Retail Strategy and is consistent with the projected population growth and retail need identified.
- Zoning policy envisages the promotion of the use of backland sites, regeneration of existing buildings and residential development at upper floor such that additional convenience retail is envisaged in the town centre area.
- The development is consistent with LAP policies 60, 61, 66 and 67 and with Objectives 53 and 54 which require sensitive restoration.
- The AHIA noted that the development will complement the ACA through the retention and enhancement of the Patrick Street buildings and the southern boundary treatments give little potential for visual impact on Boyle.
- Claims that the development is out of context are not supported by the CDP and the LAP and the revised design incorporates several heritage led revisions including a limestone based material palette, sensitive massing and substantial boundary planting for a sympathetic relationship with surroundings.
- Only the five buildings along Patrick Street are within the ACA and it is respected by locating the new retail building outside it where its scale and materials have been designed for compatibility.
- ACP precedents show that the Commission has consistently found that discount food stores within or adjoining town centres strengthen the vitality and viability of those centres such as at Portumna (ABP-315409-22), Claregalway (ABP-315980-23), Swinford (ABP-322223-25), Loughrea (ABP-321771-25) and Tubbercurry (ABP-312062-21).
- Such retail developments enhance competition, increase footfall and support local expenditure retention as found by the Commission.

- The Commission has approved such retail store formats of similar size in small or more heritage sensitive towns such as Ennis (ABP-3121569-21).
- The LAP Preferred Development Strategy (no. 3) prioritises backland regeneration, re-use of vacant buildings and the consolidation of the commercial core which will be delivered in this case.
- The appeal provides no retail analysis, no sequential assessment, no capacity study and no urban design critique that supports the contention that the scale is not appropriate.
- The RIS, Sequential Assessment, LVIA and AHIA are unchallenged and demonstrate site suitability.
- The F.I. submission was comprehensive and did not result in an evidential gap with no extra report required.
- Where pre-permission surveys were not possible, professional justification and prior to commencement conditions were appropriate as they relate to how the development would be carried out rather than whether permission should be granted. This approach is supported by the courts which note that sufficient information is required and not exhaustive detail for matters that can be resolved by condition.

Archaeology

- The response from IAC Archaeology supports the professional analysis that a geophysical survey is not possible due to health, safety and access constraints.
- There is no basis for the assertion that a ringfort is on the site and IAC Archaeology identified that the ground anomaly relates to ground conditions.
- The F.I. item was complied with in the submission of the Archaeological Impact Assessment and professionally justified why the geophysical testing could not be carried out with the P.A. then including a condition to provide for it when conditions allow.

Conservation and Heritage

- The heritage context was fully assessed and the F.I. response included design revisions and justified the architectural approach.
- Detailed assessment was carried out including with a detail Visual Impact Assessment and updated AHIA and the relationship with Frybrook House was fully integrated into the assessment and mitigation framework.
- The distance from Frybrook House is 90m with mature trees intervening and the ARC appeal response notes the screen planting will reduce the visibility of the food store from the Frybrook lands.
- The development would not be out of character with the existing built heritage.
- Such sensitively designed contemporary backland development can coexist with protected historic streetscapes without diminishing architectural character as supported by ARC's assessment.
- The best way to conserve the town core is by concentrating development at its core to provide for active use.

Traffic Management and Access

- A Traffic Report by TPS M Moran and Associates is enclosed with the appeal response.
- The development was fully assessed with a TIA and supporting reports per best practice.
- The 50kph design test is not appropriate per DMURS advice note 3 where vehicle speeds are generally lower in town centres.
- The correct design speed is 30-40kph per DMURS such that 36m is the visibility requirement and reduced forward visibility increases driver caution and reduces vehicle speeds.
- The appellant's assertions in relation to internal stopping distances are unfounded per the Road Safety Audit and the TPS M Moran appeal response notes that all visibility matters can be accommodated.
- The applicant accepts Condition 3 and notes that there is no requirement for all details to be agreed before permission is granted.

- Comparable permissions have been granted for Aldi stores in Ballyhaunis, Athy, Newbridge and Portarlinton including for reduced visibility per DMURS.
- The entrance gates do not pose a hazard and demonstrate their functionality at similar stores. There would be a two metre wide footpath adjacent to the gates and a raised table to enhance permeability.
- The TIA demonstrates adequate capacity including for HGV's and delivery vehicles for the traffic growth projected.
- All footpath widths in the development accord with DMURS and footpath widening within the town is expected as part of an on-going program per the Boyle 2040 town enhancement plan.
- Time spent in such stores is less than in larger supermarkets such that the typical requirement is 1 car parking space per 20sqm GFA such that 92 spaces are required and 96 provided.
- The CDP allows for reduction in the standard of car parking provision which is justified in the accessible town centre location and this supports policy and guidelines for modal shift and compact growth in walkable urban centres.
- The Traffic Report notes that no local authority has issued a warning letter in relation to overspill parking at an Aldi store.

Local Support

- There is significant local support for the development and a demonstration was held in the town on 28th February attended by hundreds of residents and campaigners per local reports.
- Local people welcome the investment and job creation for the area.

To note the applicant response includes a response letter from IAC Archaeology, a response report from ARC and a Traffic Report from TPS M Moran & Associates, Traffic and Transportation Planning Consultants and the main applicable points made in these submissions are reflected above

6.3. Planning Authority Response

None received.

6.4. Observations

Two third party observations were received from Danny Tiernan and the Boyle Town Team which can be summarised as follows:

Boyle Town Team

- The development is welcomed by the local community group which notes a commercial vacancy rate of 29.8% in Q4 2025 and with a growing town population.
- In the context of a local housing shortage, the proposed reinstatement of five derelict properties is welcomed and this aligns with the Boyle 2040 plan.
- The development will transform one of Boyle's most blighted streets.
- The third party appeal is from Kilcormac, Co Offaly and the Commission under Section 138 has the power to dismiss the appeal and it is their opinion that the appeal is vexatious, frivolous, is without substance and foundation and is intended to delay the development and the appellant should be given the right of reply to this submission prior to a decision to dismiss the appeal.
- The third party appellant has no history of participating in planning proceedings in the town and they are not aware of any economic involvement or community investment by the appellant.
- The third party appeal has not raised any issues that a person living at a distance from the area could uniquely be affected by and it repeats issues dealt with by the P.A..
- Photos submitted of the existing buildings on Patrick Street and proposed elevation drawings submitted.

Danny Tiernan

- The third party appellant is located over 130km away in Kilcormac and his Centra shop will not be affected by the development and it will not interfere with his standard of living.
- Other businesses in the town welcome the development.

- The towns people want the development and housing to rejuvenate the Patrick Street area.
- The appeal against the development should not be entertained.
- Photos submitted of the buildings on Patrick Street.

7.0 **Assessment**

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

- Request to Dismiss Appeal
- Principle of Development
- Retail Policy
- Built Heritage
- Archaeology
- Design
- Residential Amenity
- Ecology
- Transport and Access
- Flood Risk
- Other Matters

7.2. **Request to Dismiss Appeal**

7.2.1. I note one of the observer's in their response to the third party appeal requested that the third party appeal be dismissed noting the location of the appellant and other matters. I note that Section 138 of the 2000 Act provides the Commission with the power to dismiss an appeal where, inter alia, it considers the grounds of the appeal to be vexatious, frivolous or without substance or foundation.

7.2.2. Having considered the grounds of appeal where planning matters have been raised which are of relevance to the determination of the application, I do not consider the third party appeal to be vexatious, frivolous or without substance or foundation. I therefore do not advise the Commission to dismiss the third party appeal.

7.3. Principle of Development

7.3.1. I note that the third party appellant has raised zoning as an issue in that discount store use is not normally permitted in the TC1 (town centre zoning) and that there has been a failure to demonstrate compliance with the zoning.

7.3.2. I note that the Boyle LAP 2015-2021 has expired and that CDP Policy Objective CS 2.14 is to *“prepare a Local Area Plan (LAP) for Boyle within the lifetime of this Plan”*. I note that there are no zoning objectives for Boyle within the CDP. I note that the Planner’s Report referred to the LAP as a material consideration. While noting this, and that regard can be had to the expired LAP, I note that its policies and objectives, including in relation to zoning, do not directly apply to the proposed development.

7.3.3. The proposed development would be located in and adjacent to the town core and within the built-up area of the designated self-sustaining growth town in walking distance of the town centre. I note that CDP Policy Objective CS 2.13 seeks to ensure that Boyle is a driver of growth that consolidates the residential, retail and service bases. I note that Section 6.4 (Retail Strategy) includes policy objectives for retail development including for compliance with the Retail Planning Guidelines and the County Roscommon Retail Strategy. I note that Section 4.11 of the CDP seeks a to facilitate a wider mix of compatible land uses in core urban areas.

7.3.4. I note that the Patrick Street terrace is semi-derelict and would benefit from regeneration/ re-use in my opinion and I consider the proposed adaptation to be compatible with the proposed retail use and uses in the vicinity. I note the town centre location where the development would be largely accessible by foot to town residents. In this context and noting that the location of the development is sequentially justified in the Retail Impact Statement, I consider that the type of land uses proposed and the location of the proposed development are consistent with the principles of proper planning and sustainable development and acceptable in principle subject to the below assessment.

7.4. Retail Policy

7.4.1. I note that a Retail Impact Statement was submitted with the application. This notes, inter alia, that:

- Medium scale convenience shops in the town include Kelly's Londis in the town centre and Kelly's Supervalu.
- The 2028 turnover of the store is estimated at €12,492,500 which is 39.6% of the estimated available expenditure which is €31,557,013.
- It estimates a capacity of €16,057,013 for additional net convenience floorspace and a surplus of €3,546,513 expenditure surplus available after the proposed shops are open and operating.
- It notes that the population of Boyle is projected to grow 20% per the CDP core strategy which will result in greater expenditure in the town.
- The report notes there would not be an adverse impact on the existing retail provision of the Boyle catchment area.
- The report notes a vacancy rate of 39.3% in the town per the Roscommon County Retail Strategy 2022-2028. It noted that the vacant units were reviewed and considered to not be viable.

7.4.2. I note that the methodology in Appendix 5 of the Retail Planning Guidelines 2012 has been followed by the RIS including the identification of the catchment and available expenditure within it, turnover estimates for the relevant centres within the catchment, turnover estimate of the new development, and a quantum estimate of the diverted available consumer retail spend within the catchment. Noting the type of existing vacant town centre units, I agree with the RIS that these would not be viable or practical for a sizeable supermarket as is proposed.

7.4.3. I note that the previous distinction between discount retail store and retail store/supermarket was removed in the Retail Planning Guidelines 2012 and that per Section A1.3 of Annex 1 of the Retail Planning Guidelines, a supermarket is defined as a *"single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sqm"*. I also note the Roscommon Retail Strategy (Section 3.1 (Retail Classification)) provides a definition of convenience retailing and this does not

distinguish between different retail types. Therefore, I consider the proposed food store to be a convenience supermarket land use.

7.4.4. The sequential test (Appendix 1 of the RIS) considered 7 alternative sites within the town. I note that the sequential test order of priority is for retail development to be located in urban centres. I note that all of these sites were found not to be sequentially preferable to the subject site for reasons including lack of availability, suitability, viability, inadequate size and demolition requirements. I have reviewed the evaluation of these sites and I consider the assessments and conclusions to be reasonable. I also note the town centre location of the site, the CDP retail strategy policies which support this type of development in such locations and that the County Retail Strategy is similarly supportive.

7.4.5. I note the submission in Section 9.0 of the RIS regarding compliance with paragraph 4.9 of the RIS which notes that the proposed development would not impact on the vitality and viability of the existing retail offer in the town. I concur with this assessment and note that this accords with Section 4.4.2 of the Retail Planning Guidelines 2012 and with Policy Objectives ED 6.12, ED 6.13, ED 6.14 and ED 6.15 of the CDP.

7.5. Built Heritage

Demolition and Refurbishment

7.5.1. I note the third party appellant's assertions that the proposed development would be out of character with the Boyle ACA and the buildings listed on the NIAH and that it would seriously detract from the architectural merit of Frybrook House. I note that the Boyle ACA includes three of the buildings on the site fronting Patrick Street and that the terrace includes two buildings on the NIAH register. I note that, having visited the site and inspected the existing buildings, the condition of the buildings fronting Patrick Street is very poor with the internal areas observed to be derelict and in a poor state of repair with water ingress noted from gaps in the roofs.

7.5.2. I note the proposal for the buildings along Patrick Street includes the demolition of the building to the west of the entrance (not on the NIAH or within the ACA) and is to otherwise allow their re-use for residential development which would constitute urban regeneration and would bring people into the town. I note the submitted Preliminary Structural Engineer's Report on the Condition of Five Terraced Houses and

Assessment of Structures Proposed for Demolition prepared by Downes Associates. The report notes “*significant deterioration due to prolonged vacancy and rainwater ingress*”. It notes that,

“Given the unsafe condition of both the terrace and demolition structures, detailed internal inspections are currently unfeasible, necessitating the implementation of enabling works. This report outlines the existing condition, proposed structural interventions, a comprehensive methodology for temporary works to ensure safe access, the technical approach for a future detailed appraisal leading to a Final Structural Report, and a preliminary assessment of the demolition structures”.

- 7.5.3. The condition report notes that it may be possible to retain masonry walls but that the condition of timber floors and roofs required more evaluation following stabilisation. It notes the proposed structural interventions including the removal of the rear lean-to and return buildings and demolition of internal masonry cross walls and columns to create open-plan living spaces and the restoration of masonry walls with compatible materials such as lime mortar and the potential replacement of timber floors and roofs.
- 7.5.4. The report concludes that “*the outlined methodology for temporary works and the detailed appraisal process align with best practices for the conservation of cultural property, ensuring a systematic approach to safeguarding the terrace’s heritage value while facilitating its adaptive reuse*”. Contrary to the appellant, I consider this approach reasonable in the circumstances outlined and having observed the condition of the buildings on the site.
- 7.5.5. I note the submitted Architectural Heritage Impact Assessment (AHIA) prepared by ARC, which notes that it is not possible to assess the extent of historic fabric that can be retained and restored until enabling works are carried out to allow safe access to the buildings. It notes that sash windows should be restored and replaced as appropriate, that the Candon shopfront should be retained and that keeping the rear returns in the original form may be merited.
- 7.5.6. I consider that the application of similar conditions to the P.A. to require further investigation and best practice conservation measures be employed with the agreement of the P.A. is reasonable in this case. Noting the submitted elevations and floor plans, I consider that the design for the buildings would bring them up to

modern standards and reintegrate the buildings with the street in the vicinity. This, in my opinion, would significantly enhance the appearance of the street, the Boyle ACA and the appearance of the structures noted on the NIAH register. In my opinion, this would accord with Policy Objectives BH 9.5 and BH 9.6 of the CDP.

- 7.5.7. Should permission be granted I recommend that P.A. condition 4 be included in relation to the submission of a detailed post-enabling works structural appraisal, updated AHIA and details plans for the original features to be retained.

Food Store

- 7.5.8. I note that a conservation report prepared by ARC, that a Landscape and Visual Impact Assessment prepared by Stephen Diamond Associates and Verified Photomontages prepared by Digital Dimensions were submitted in response to the F.I. request of the P.A.. I note that the ARC conservation report notes the backland position of the food store and car park such that its visibility from the street would be limited. I note this is supported by the LVIA. In my opinion the limited opening in the streetscape to enter the site, combined with the significant setback of the food store from Patrick Street would severely limit views of the food store from the north such that the impact is not of significant concern.
- 7.5.9. I also note that the proposed refurbished buildings on Patrick Street together with the new entrance and planting would, in my opinion, integrate with the street and the ACA given the enhancement to the buildings and that these buildings and the entrance would be of a form consistent with the pattern of development in the vicinity. I note that views from the ACA and street would occur in the built-up town centre context.
- 7.5.10. I note that the front elevation of the food store while being of significant width would, in my opinion, include natural stone sections and other elements of visual interest around the entrance, such that it would not be excessively visually obtrusive on the site. I note this also in the context of the landscaping scheme where trees would be planted to the north of the building.
- 7.5.11. I note that there would be limited views of the shop when viewed from the west (see Viewpoint no. 1 from the Verified Views) due to its setback from the public road and the proposed and existing intervening landscaping which would largely obscure the

food store. I note that there would be no views of the site from the streets of the town from the east as shown in the photomontage viewpoints.

7.5.12. I note that Frybrook House, a protected structure, is located to the south and that this includes an open garden area adjacent to the house. I note that the historic curtilage grounds of the house, based on historic maps, included the southern part of the subject site. I note that the ARC conservation report states that the *“proposed Aldi store is to be located on lands that were once part of the curtilage of Frybrook House”*.

7.5.13. I note that the proposed development is within the curtilage of Frybrook House, a protected structure and the requirement for public advertisement of this which was not included in the public notices. I draw the Commission’s attention to this as it may be remedied by revised public notices.

7.5.14. I note that the AHIA notes the proposed location of the food store in what it states was once the curtilage of Frybrook House and the potential for substantial effects on the protected structure. It notes that the overgrown nature of the southern part of the site already has a negative impact on Frybrook House. I note that Frybrook House is accessed from an avenue to its east and its main elevation has an eastern orientation with limited fenestration on the northern elevation.

7.5.15. I note that the southern elevation of the food store would be quite wide with horizontal windows and with limited break up of the façade. I note that while the P.A. had a preference for a stone wall to be required along the southern boundary that the landscape architects proposed screen planting, including native hedging and trees, along the boundary that would substantially screen the view of the food store from the south and from Frybrook House. I note this has been demonstrated in the submitted photomontages. I note the LVIA notes slightly imperceptible impact from viewpoints 8, moderate-slight from viewpoint 9 and imperceptible impact from viewpoint 10 (Frybrook House) to the south.

7.5.16. I note that the third party appellant has failed to demonstrate how significant negative impacts on the setting of the site would arise, particularly in the context of the submitted landscaping plan and verified views. Having reviewed the submitted documentation and updated drawings, I concur with the applicant that the proposed elevations, external materials and southern boundary treatment would be effective

and proportionate to ensure no significant adverse impacts on Frybrook House or its setting and on the wider area to the south.

- 7.5.17. I note that the first party has appealed P.A. condition 2 which required a southern boundary stone wall. I note the content of the appeal, which in my opinion, has demonstrated that the applicant's approach of a low wall with railing with hedgerow and tree planting, akin to a green wall, would be preferable as indicated to have been agreed with the owners of Frybrook House.
- 7.5.18. Noting this, that based on my above assessment there is no requirement for amended building elevations and that the food store building would be subservient to the higher boundary trees, I therefore recommend that P.A. condition no. 2 parts (a), (b) and (c) be omitted as requested in the appeal. I recommend that a condition requiring the agreement of the external materials of the building be included should permission be granted. I consider that the design of the residential terrace, retail building and car park would accord with Section 12.16 (Urban Character and Streetscape) and Section 12.23 (Architectural Conservation and Archaeology) of the CDP.
- 7.5.19. I do not consider that the road entrance adjacent signage would be excessively sized in the context of the layout of the entrance and its separation from the adjacent buildings and in the context of the trees proposed along the roadside entrance. In my opinion it would be not be out of character in the vicinity of Patrick Street and the Boyle ACA.
- 7.5.20. In relation to the signage on the front of the shop building, I do not consider that this would be excessively sized and in my opinion it would integrate with the building and the surroundings and would enable the building to clearly read as a commercial shop premises. This would, in my opinion, accord with Policy Objective BH 9.7 of the CDP. Given the detail provided and the screening on the site, I do not consider a signage condition necessary.

7.6. Archaeology

- 7.6.1. I note the third party appeal in relation to potential archaeology on the site. I note there is no evidence of recorded monuments on the subject site and that historic mapping does not suggest otherwise. I note that works would take place within the area of archaeological potential around recorded monument RO006-068 –(Historic

Town). The response submission from the Department of Housing, Local Government and Heritage concurs with the submitted Archaeological Assessment Report. The Department recommends a planning condition requiring archaeo-geophysical survey and a programme of targeted archaeological test excavation.

- 7.6.2. I note the report from IAC Archaeology that notes that a geophysical survey of the site cannot be carried out at this stage due to safety and access constraints. Its expert opinion notes that the ground anomalies relate to ground conditions and not to a ringfort on the site. The appeal response notes that at F.I. stage, the Archaeological Impact Assessment professionally justified why the geophysical testing could not be carried out. I note the P.A. provided a condition (no. 6) for this matter to be dealt with by condition and I concur that this is a reasonable and standard approach. Should permission be granted, I recommend the inclusion of P.A. condition 6. I also note that even without such a condition, that it is illegal to destroy a national monument, should one be found on the site but that the better approach is a condition requiring best practice archaeological measures.
- 7.6.3. Based on the above, I consider that the proposed development would be consistent with CDP Policy Objectives BH 9.5, BH 9.6, BH 9.7 and with Section 12.23 (Architectural Conservation and Archaeology) of the CPD in relation to restoration.

7.7. Design

- 7.7.1. In relation to the buildings along Patrick Street and their re-use and refurbishment which is encouraged by CDP policy, I note the design would be reasonably consistent with the existing/historic frontages and that the P.A. condition in relation to conservation matters would allow the flexibility to reinstate the shopfront at the western end of the terrace should it be possible. I consider that the terrace design would provide for a fine urban grain with appropriate vertical emphasis of the five buildings through window design, alignment and the visual division of the buildings. Should permission be granted I recommend a condition to require each dwelling be painted an alternative colour to the adjacent dwellings on both sides in order to strongly emphasise the urban grain of the terrace.
- 7.7.2. I note that the design for the retail element includes that the flat roof food store would be located close to the rear of the site with car parking to its front, to the north-east and to the north-west of the retail building. I note that a relatively sizeable area of the

site would consist of surface car parking due to the inclusion of the western area car parking which is not ideal from an urban design perspective. However, I note that the backland position of the site and its proposed screening would be such that views of the car parking from outside the site would be very limited. Balancing the policies in support of such town centre retail development, and noting the limited external impacts outside the site and the planning gain of the ecological parkland to the west, I consider this approach to be reasonable.

- 7.7.3. I note the submitted Arboricultural Impact Assessment and Method Statements report prepared by John Morris Arboricultural Consultancy. I note that 26 no. trees (2 category B and 18 category C, 6 category U) on the site are recommended to be felled and 8 others (category U) outside the site boundary but within the ownership of the applicant are also recommended to be removed. I note that 38 trees (3 category A, 11 category B, 24 category C) would be retained on the site and adjacent site.
- 7.7.4. In relation to the proposed landscaping plan, I note that in addition to the green type wall for the southern boundary including semi-mature planting, there would be 71 new trees planted (mainly scots pine and downy birch) within and across the site. While it would take some time for the proposed trees to come to maturity, I note the native species proposal and that within a relatively short period these would provide a useful greening of the urban site when combined with the retention of the existing trees and the semi-mature tree and shrub planting for the southern boundary.
- 7.7.5. The arborists report considers that this would constitute a net gain in canopy cover and significant improvement on the pre-development baseline and that there is no requirement for tree protection measures on the site. I note that this would include ornamental shrubs and perennials including Alder, Silver Birch, Bird Cherry, Scotts Pine, Common Oak and Rowan trees as well as Hazel, Hawthorn, Spindle, Privet and Blackthorn shrubs. There would also be an ecological parkland including meadow located adjacent to the west side of the site which is land within the ownership of the applicant but not within the subject site
- 7.7.6. In my opinion, the landscaping plan, would aid in setting the food store and car park into the wider backland setting, particularly in relation to its interaction with lands to the south and west where views of the subject site are currently available. I consider that this would be enhanced by the ecological parkland to the west. Should

permission be granted, I recommend a standard landscaping condition to ensure the implementation of the landscape plan for the site.

- 7.7.7. In relation to phasing, I note the P.A. included Condition 5 which requires the implementation and completion of the terrace development and the entrance prior to any other element of the development. Noting that the development is not of a particularly large scale and can be implemented in a single phase I do not consider there to be a strong rationale for a phasing condition. Consequently I do not consider that conditions 5 and 17 in relation to phasing are required.
- 7.7.8. I note the first party appeal in relation to this matter which asserts that the phasing condition 5 would not be efficient or necessary and will prolong the construction programme resulting in greater disruption. I concur with the first party on this. I note that the alternative condition wording put forward would allow the completion of the residential element prior to the operation of the store and I consider this to be a reasonable approach such that I recommend the applicant's wording to ensure completion of the residential element of the development in a timely manner.
- 7.7.9. In relation to the applicant's appeal of condition 14 (no separate sale of any part of the development allowed) which they request be omitted given that it would not be necessary if Condition 5 is amended per their request. I concur with the appeal that no planning rationale has been put forward in the Planner's Report for this condition. I do not consider a single entity developer and no sale of any element of the development on its completion to be necessary to ensure the timely and satisfactory completion of the development. I also concur with the appellant that it may prevent the implementation of the development and would be counterproductive and unnecessary. Therefore, should permission be granted, I recommend that condition 14 of the P.A. grant of permission be omitted.

7.8. Residential Amenity

- 7.8.1. In terms of the proposed five residential units. I note there would be two no. one bed units (floor areas 67sqm and 64sqm) and three no. two bed units (floor areas 89sqm, 72sqm and 102sqm). Noting the 2007 Quality Housing for Sustainable Communities guidelines which allow for one bedroom units of 45sqm and two bedroom units of 70sqm, I am satisfied that the minimum floor areas would exceed these minimum thresholds. I note also that each house would have substantial rear private open

space with the smallest being 50.2sqm such that I am satisfied that a reasonably high level of residential amenity would be provided for future occupants of the units.

- 7.8.2. I note that the established alignment of the buildings along Patrick Street is such that the proposed development would not result in any significant overlooking, overbearing or overshadowing impacts on adjacent property in the vicinity.
- 7.8.3. In relation to the food store and car park, while the building would have a sizeable footprint, I note the flat roof height of 5.76m (circa two storey equivalent) and its position on the site with a natural green wall type screening proposed along the southern boundary such that I consider it would not give rise to any significant negative overbearing, overshadowing or overlooking impacts of properties in the vicinity.
- 7.8.4. Noting the type of retail use proposed and associated car park, I do not consider that it would give rise to excessive noise, disturbance or light pollution in the context of a town centre location. I recommend that standard conditions be applied restricting opening hours to between 07.00 and 22.00 hours daily should permission be granted to avoid undue overnight impacts where sensitivities in the vicinity would be greater during these hours. I note that deliveries are proposed before 7am and noting the town centre location and the potential for negative impacts on residential amenities, I consider that these should be restricted by condition to during the opening hours should permission be granted.

7.9. Ecology

- 7.9.1. I note the submitted Ecological Impact Assessment (EclA) report prepared by Altemar submitted at F.I. stage. I note this included a field survey to identify habitat types with site visits carried out on the 10th and 21st February and on the 20th and 29th of August 2025 and this included bat surveys. In terms of biodiversity impacts, the report notes that the construction phase would result in the loss of existing habitats and species on the site in the absence of mitigation. Potential impacts on local biodiversity and downstream are also predicted without mitigation.

Badgers

- 7.9.2. The report notes that a badger sett was identified in a central area of the site. The report proposes that an artificial badger sett be constructed within the undeveloped

land to the west of the site 30m from the construction works. The badger would then be excluded from the existing badger set following completion of the artificial sett. It notes that the phasing of the project is designed to mitigate the potential effects on badgers in consultation with the NPWS.

- 7.9.3. In relation to operational impacts, it notes the proposed designated badger route along the south-west site boundary to enable continued access to surrounding territories and that external lighting has been designed to prevent light spill onto the artificial sett location, ecological parkland and access route to and from the artificial sett. No significant long-term impacts are noted with the outlined mitigation measures.
- 7.9.4. I concur with the report that this would appropriately mitigate the potential effects on badgers as it would avoid potential disturbance on completion and would preserve a sett. Should permission be granted, I recommend a standard condition in relation to the protection of badgers be included.

Otter

- 7.9.5. In the context of the site being located c.80m north of the River Boyle, the report noted no evidence of otter activity or otter resting/breeding places. It noted that out of an abundance of caution that to avoid disturbance impacts during construction mitigation is required in consultation with the NPWS. I note the section of the EclA dealing with this does not specifically specify which mitigation measures would be applied. I nevertheless note I consider that the mitigation measures outlined in Table 6 of the EclA, including in relation to lighting and the pre-construction survey for mammals which would prevent disturbance and water pollution, would be sufficient to ensure the protection of otter in this regard.

Flora

- 7.9.6. In relation to flora on the site, the EclA noted no rare, protected or legally restricted invasive flora and that while there would be a loss of local biodiversity from the site clearance it considered this to be a non-significant negative short-term impact. It noted that trees will be planted along the site perimeter and that an ecological parkland is proposed to the west of the site. No significant adverse impacts were identified.

7.9.7. While I note a lack of detail in relation to the quality of this flora, it is nevertheless noted that there is no rare or protected flora on the site. I therefore agree that the impact would be short-term and not significant and that on balance in relation to the facilitation of urban development that this is justified relative to CDP policy which facilitates same.

Bats

- 7.9.8. The EclA report notes that a bat roost containing five soprano pipistrelle bats was recorded within a derelict structure on the site and that bat foraging activity for three common species was recorded. It noted the requirement for a derogation licence and mitigation measures prior to the commencement of works on the site. It also noted the requirement for mitigation measures in relation to the potential presence of Daubenton's bats along the River Boyle. It considered the negative impacts on bats to not be significant.
- 7.9.9. In relation to bat fauna, it notes that displacement from the site will not have a significant effect on local bat populations. It notes the loss of foraging areas and that the lighting plan includes bat friendly measures such as reduced light spill and time restrictions. It notes that impacts would not be significant with mitigation required including an NPWS derogation licence.
- 7.9.10. I note that Table 6 (Mitigation Measures) provides a full list of the proposed mitigation measures. I note this includes that a bat derogation licence will be sought for the removal of the bat roost on the site and that the conditions in relation to the licence will be carried out.
- 7.9.11. In the absence of a submitted bat derogation licence, noting the protected status of bats per has Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), I consider that it has not been demonstrated that the bat species on the site would be protected in accordance with European law and as required by Policy Objective NH 10.4 of the CDP. On this basis, I recommend that permission be refused for this reason.
- 7.9.12. Noting that I consider this to be a new issue, the Commission may wish to consider requesting further information on this issue including confirmation that a Bat Derogation for the proposed works has been issued.

Birds

7.9.13. In relation to bird fauna, the EclA notes that demolition and refurbishment has the potential to impact on swallows nesting and breeding with the short term negative impacts not considered significant. It notes the need for mitigation in the form of site clearance outside the bird nesting season. It notes that the ecological parkland to the west will provide a compensatory foraging habitat for local bird populations such that there will be no significant impacts. I consider this to be a reasonable approach to ensure no significant impacts on bird fauna.

Other Aquatic Species

7.9.14. The EclA report notes the potential for dust, surface and groundwater drainage from the site to enter the River Boyle during construction. It noted potential downstream impacts on aquatic biodiversity via dust, silt and contaminated construction surface and groundwater run-off. It noted that mitigation measures are required to prevent downstream impacts on aquatic biodiversity during construction. It noted that, without mitigation, lighting during construction has the potential to spill onto the River Boyle and cause disturbance impacts on aquatic biodiversity and these negative impacts would be slight temporary effects.

7.9.15. In relation to operational impacts, the EclA assessment notes the inclusion of a sustainable drainage strategy and that mitigation is required in the form of a post-construction assessment of drainage networks.

7.9.16. In relation to the operational stages and aquatic biodiversity it notes that standard measures will be in place for surface water discharges with no additional mitigation required. Based on the proposed design, standard construction and mitigation measures which I consider would adequately protect water quality in the vicinity, including the River Boyle, I do not consider that there would be any significant effects on aquatic species in the vicinity of the site or downstream.

EclA Summary

7.9.17. Other than in relation to bats, I consider the EclA report and the mitigation measures contained therein, including the provision of the ecological parkland adjacent to the west, to be sufficient to avoid any significant negative impacts on local ecology and biodiversity. Should permission be granted, I recommend that the measures outlined

in the EclA be required by condition. I note that no submission raised concerns in relation to ecological matters including in relation to bats.

Condition 1

- 7.9.18. I note the first party appeal in relation to Condition 1 of the P.A. grant of permission. I note this includes a provision that the permitted development site only comprises of lands within the red line boundary area. It also states that the permission does not permit works outside the red line site boundary. The appeal notes a conflict between this and condition 15 which requires the mitigation measures in the FRA and EclA to be carried out but that condition 1 excludes the area in which the measures would be carried out.
- 7.9.19. I agree that condition 1 would be in conflict with condition 15 where the EclA and SSFRA measures are required. I consider the elements of condition 1 that restrict works to within the red line boundary to be unnecessary given that a grant of permission can only give consent for the works outlined in the application and by condition which must necessarily be within the red and blue line areas only unless consent is provided for works outside these areas. I note that in the appeal the applicant confirms their sufficient legal interest to carry out the mitigation measures in the EclA parkland to the west.
- 7.9.20. I note that the applicant has put forward an alternative condition 1 wording which includes a statement that no works are permitted outside the red line boundary, on the public road and footpath per the site layout plan and that all off-site works be governed by condition 3. I am not clear as to the rationale for the P.A. including the wording restricting the area of the works.
- 7.9.21. I therefore consider the standard first condition requiring works be carried out in line with the plans and particulars as amended by the further information submitted with no reference to a restriction on the area of development to be sufficient to deal with this matter and allow for the works in the blue line area which would include the ecological park and outside the site boundary as required, with the appropriate consents, to facilitate the development including the EclA, SSFRA and roads related requirements.

7.10. Transport and Access

- 7.10.1. I note that the third party appeal has raised issues in relation sightlines, forward visibility and DMURS compliance. I note the applicant response which states that per DMURS advice note 3, where vehicle speeds are generally lower in town centres that the 50kph speed test is not appropriate. I note that the F.I. Site Layout Plan demonstrates that sightlines of 38.56m would be available to the east and 33.717m would be available to the west from the vehicular entrance on to Patrick Street.
- 7.10.2. I note that, based on the 50kph zone, DMURS Table 4.2 and Figure 4.63, state that 45m sightlines apply in each direction. I note the Traffic Report appeal response prepared by TPS M Moran. It includes a recent survey to determine the 85th percentile speed along Patrick Street. It recorded the 85th percentile vehicle speed travelling east to be 22.2kph and westbound to be 34.1kph.
- 7.10.3. It therefore notes, consistent with DMURS Advice Note 3, that there should be a low-speed vehicle zone of 30 to 40kph with pedestrian priority. I note that per Table 4.2 for sightlines provides for 33m sightlines for a design speed of 40kph. In this context, and noting that DMURS states that “*reduced forward visibility increases driver caution and reduces vehicle speeds*”, I consider that the sightlines would be acceptable in terms of road safety.
- 7.10.4. I note that the third party appellant takes issues with visibility within the scheme in relation to traffic safety. Having reviewed the site layout plan, I agree with the F.I. Traffic Report that the scheme has been designed in accordance with DMURS. I note that the submitted Stage 1 / 2 Road Safety Audit and its associated safety measures are accepted for the scheme design as outlined in the appeal response and having reviewed the RSA I note no significant issues of traffic safety / visibility concern within the scheme. Should permission be granted, I recommend that the RSA recommended measures be required by condition and that a Stage 3 / 4 RSA be required with its recommended measures required to be implemented.
- 7.10.5. In relation to the issue raised in the appeal that the entrance gates would be a traffic hazard, I note that the gates would be set back from the entrance and would rotate back into the site when open. The appeal response notes that the type of entrance gate proposed to close off vehicular access is a standard design feature for Aldi premises for overnight security. I note that the gates would not interfere with

pedestrian of other movements and two metre wide footpaths would connect with Patrick Street. Noting this and that the gates would not be visually obtrusive, I do not consider that any significant traffic safety issues would arise from the entrance gates.

- 7.10.6. I note the third party appeal has raised issues in relation to the traffic impact of the development in relation to traffic volumes and the capacity of the road network. I note that the TIA concluded that the junction of the proposed entrance “*can accommodate the traffic growth at 2027 and 100% of the projected trips (as new trips) associated with the proposed Aldi discount food store development*”. It noted that the proposed entrance experiences almost free flow traffic conditions at the PM traffic peak “*with no material queuing projected within this junction, operating with reserve capacity of over 80% during the critical peak traffic period at 2027*”.
- 7.10.7. I note that the TIA states that service vehicles for the store would be required daily for one or two articulated delivery vehicles. It notes that these deliveries normally take place between 6am and 8am. I note that a loading bay would be provided for such delivery vehicles to the west of the building which would be adjacent to the rear garden of a house.
- 7.10.8. Noting the town centre location, subject to control on operational hours outside of night-time, I consider that there would be no excessive impacts on residential amenity associated with the estimated two daily deliveries. I note that the F.I. response also responded to the request of the P.A. for measures to promote permeability and pedestrian and cycle priority, a statement of compliance with DMURS, a Stage 1 /2 Road Safety Audit and a revised TIA and that subject to conditions these responses were acceptable to the P.A..
- 7.10.9. I note that the Traffic Impact Assessment and updated assessment submitted at F.I. stage include an analysis of the road junction with the N61. I note that the F.I. response was based on traffic surveys of the relevant junctions. I note that a PICADY10 capacity assessment identified no traffic capacity issues including no delays or queues as a result of the proposed development.
- 7.10.10. It noted reserve capacity within the area of over 70% and considered the traffic flow conditions to be stable. Noting the appeal response and the associated TPS report and the previously submitted documents and also noting the Roads Department found the development acceptable subject to conditions following F.I., I do not

consider that any significant traffic capacity issues have been identified. In my opinion, the proposed development would not result in significant traffic congestion in and around the site and in the town.

- 7.10.11. I note that the third party appeal has raised concerns in relation to the narrow (1m wide) footpath on Patrick Street leading up to the site entrance. The TPS appeal response notes that this width of footpath prevails in many instances in Boyle. It notes that footpath widening has taken place in some streets and that they would expect this to continue within the town. It notes the CDP objective to implement the objectives of the Boyle 2040 Town Enhancement Plan.
- 7.10.12. I note that the proposed development includes a raised entrance table with Patrick Street and within the site pedestrian crossing facilities and footpaths in accordance with DMURS. I consider these proposals in relation to footpaths to be reasonable and I do not consider that foot traffic congestion would be so great that the existing footpaths leading up to the site would be inadequate.
- 7.10.13. I note that the appeal has raised an issue in relation to inadequate car parking on the site and specifically notes a shortfall of 36 spaces for the retail development with overspill parking likely to result. This shortfall is based on the net floor area of 1,315sqm. I note that per Table 12.1 Car Parking Standards, for residential, the minimum spaces is 1.5 per unit. There would be 7 car parking spaces allocated for the five residential units. I note that this is consistent with the CDP standard which requires 7.5 spaces and also having regard to the proposed housing mix.
- 7.10.14. I note that for shops over 1,000sqm, the minimum spaces to be provided is 1 space per 10sqm of "retail floorspace". I consider that retail floor space refers to net floorspace as back of house floorspace is for storage purposes and not direct retailing. The proposed retail floor area is 1,315sqm which gives a requirement of 131 spaces and 96 spaces are proposed, 89 of which are spaces for the retail development. This would result in a shortfall of 42 spaces. I note that the CDP Section 12.24 in relation to car parking standards provides that *"It is generally required that residential, commercial, enterprise and employment developments or otherwise, comply with the parking standards detailed below. However, a reduction in the standard of car parking provision in town centre areas will also be considered"*.

7.10.15. I note that the TPS appeal response report notes that the typical shop for an Aldi store is for 30 minutes and 90 minutes if combined with a visit to the town centre. It also notes that Aldi generally operate a parking provision of one parking space per 20sqm GFA. I note that this would give a requirement for 91.5 spaces. Based on this and the location adjacent to the town centre where the site would be accessible on foot to town residents within a 10-minute walking distance, I consider the level of reduced car parking provision for the site to be reasonable and justified by reference to CDP policy. I do not consider that significant overspill parking on adjacent streets would result from the proposed development. In line with CDP policy Section 12.24, should permission be granted I recommend a condition of one EV charging point per five car parking spaces.

7.10.16. I note that 10 bicycle parking spaces are proposed which would accord with the minimum standard of 1 space per 200sqm of floor space. These would be located close to the front of the store along the east boundary. I note that the RSA recommended this be covered. Should permission be granted, I recommend the RSA measures be required by condition.

7.10.17. I also note the CDP requirement for one space per dwelling house which would require 5 additional spaces. I therefore recommend a condition, should permission be granted, requiring that such spaces be provided in a sheltered facility adjacent to the car parking spaces allocated for the residents. In relation to construction traffic, should permission be granted I recommend a standard condition to manage external impacts in accordance with best practice.

7.11. Flood Risk

7.11.1. In relation to potential flood risk, I note the Site Specific Flood Risk Assessment (SSFRA) prepared by Punch Consulting Engineers submitted at F.I. stage. I note that per the Strategic Flood Risk Assessment carried out for the previous Boyle LAP, the site is located within Flood Zone C. The OPW CFRAM maps note that there is fluvial flooding during the 0.1% AEP event in a small area to the south-east of the site (See Figure 3-8 and Figure 4-1 of the SSFRA). I note that a very small area of the south-east corner of the building and a small area of the south-east of the site is within this fluvial flooding area. The SSFRA otherwise notes no other sources of

flooding in the vicinity of the site but notes that the site is partially located within Flood Zone B.

- 7.11.2. It notes that justification is not required for commercial development which per the OPW guidelines is considered less vulnerable development. I note that the area of development within this flood zone is extremely small such that I do not consider that any significant displacement impact would arise. I note that the dwellings to be refurbished are within flood zone C where there is no flood risk.
- 7.11.3. The SSFRA notes that the proposed supermarket finished floor level is 54.5mAOD and the minimum floor level for the houses is 54.51mAOD. It notes that the maximum flood level is predicted to reach 53.17mAOD and that a freeboard of 1.33m would be provided between the design flood level and the proposed FFL *“ensuring that the building remains above the extreme event water level in accordance with best practice flood risk management principles”*.
- 7.11.4. Nevertheless, as part of the site is located within Flood Zone B, Section 4.6 of the SSFRA recommends flood mitigation measures including that all fuels and oils be stored in sealed tanks. It notes that *“following the implementation of the mitigation measures outlined in Section 4.6 above, the flooding risk to the properties or to people will be minimised during an extreme flood event”*. It concludes by noting that the residual flood risk is low and that the adoption of the flood mitigation measures will minimise any flood risk. Based on the above, I concur with the findings of the SSFRA. Should permission be granted, I recommend a condition to ensure its mitigation measures are implemented in full.

7.12. Other Matters

- 7.12.1. In relation to surface water drainage I note that it is proposed that the surface water drainage system be separate to the foul drainage system. The Civil Engineering Report by Downes Associates notes that in relation to surface water disposal and source control measures such as petrol interceptors, the ‘Greater Dublin Strategic Drainage Study Regional Drainage Policies’ would be followed. It notes that all SUDS measures will comply with the requirements of the CIRIA SUDS Manual.
- 7.12.2. I note that stormwater run-off from impermeable surfaces will be via discharge to rain gardens and tree pits to an underground attenuation system with outflow via a hydro brake flow control system to a culvert to the River Boyle such that the rate of outflow

will be consistent with greenfield rates. I note that the P.A. had no issue with this. Noting this and that it would ensure no polluted surface run-off reaches the river, should permission be granted, I recommend a SUDS condition for detailed arrangements for same to be agree with the P.A..

- 7.12.3. I note that for water and wastewater provision, the proposal is to connect to the public system and that the letters from Uisce Éireann note this is feasible without infrastructure upgrade. Noting this and the Uisce Éireann capacity registers which show no significant issues, should permission be granted I recommend a standard condition be applied to ensure the connections and that no public health issues arise.
- 7.12.4. In relation to demolition and construction matters, should permission be granted I recommend the application of standard conditions, including for construction hours, the submission of a Construction Environmental Management Plan similar to P.A. condition 11 (while noting that a CEMP was submitted at F.I. stage), to ensure best practice measures are followed on the site to avoid any significant impacts on properties or residents in the vicinity of the site.
- 7.12.5. I also recommend a condition for the submission of a Resource Waste Management Plan given the scale of demolition proposed on the site. I do not recommend a condition for works to be carried out to taking in charge standards given the development is predominantly for a private commercial premises and car park.
- 7.12.6. **Conditions under Appeal** – In relation to the conditions which the first party appealed against, I note that I have assessed the planning merits of the applicant's appeal of certain planning conditions above. In relation to Condition 1, this is included in Sections 7.9.18 to 7.9.21 where I have agreed with the appeal that the wording restricting the application of the permission for development outside the red line area be removed.
- 7.12.7. In relation to Condition 2, I have assessed this issue in Section 7.5 and specifically concluded on it in Section 7.5.17 and 7.5.18. In relation Condition 5, this matter is assessed in Section 7.7.7 and 7.7.8 where I consider there to be no requirement for phasing conditions. In relation to Condition 14, in section 7.7.9 I have noted that I considered this not to be necessary to restrict the separate sale of any part of the development and I do not consider a single entity developer to be necessary.

- 7.12.8. **Other Conditions** – I note that P.A. condition 3 provides for, inter alia, the submission of details in relation to the road entrance junction, levels, signage, drainage and in accordance with DMURS, for agreement with the P.A.. I recommend that this condition be included, along with condition 24 in relation to road drainage, should permission be granted. I note that the EclA mitigation measures include specific lighting requirement measures such that I do not recommend a separate lighting condition. I also recommend a condition requiring the location of all service cables underground.
- 7.12.9. Should permission be granted, I recommend a standard waste management condition for operational waste generated on the site. Given the nature of the use in an area adjacent to the town centre and residences, should permission be granted I recommend a standard operational noise condition and the restriction of operating hours to between 07.00 and 22.00 hours daily.
- 7.12.10. Should permission be granted, I also note the requirement for a Part V condition, Section 48 development contribution condition and a bond condition to ensure roadside works are completed to the satisfaction of the P.A..

8.0 EIA Screening

- 8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 1 and 2 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 AA Screening

- 9.1. See Appendix 3. 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 would not be likely to give rise to significant effects on

Lough Gara SPA (site code 004048), Lough Arrow SPA (site code 004050) and Lough Arrow SAC (site code 001673). in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The nature of the works.
- The lack of any ecological pathways from the subject site to any European site.

10.0 Water Framework Directive

10.1. An assessment (see Appendix 4) of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.

10.2. The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge.

10.3. These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management, including the implementation of an appropriate Construction Environmental Management Plan (CEMP).

10.4. The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

11.0 Conclusion

11.1. I have noted that the proposed development is within the curtilage of Frybrook House, a protected structure and the requirement for public advertisement of this

which was not included in the public notices. I draw the Commission's attention to this as it may be remedied by revised public notices.

11.2. . I have identified an issue in relation to the absence of a Bat Derogation Licence which the Commission may wish to consider as this is a new issue. Based on the information available at this stage, I have recommended permission be refused in relation to the potential impact on bats in the absence of a derogation licence.

12.0 Recommendation

12.1. For the reason outlined below, I recommend that permission be refused.

13.0 Reasons and Considerations

1. Having regard to Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and Policy Objective NH 10.4 of the Roscommon County Development Plan 2022-2028, the applicant has failed to submit a bat derogation licence to demonstrate that the proposed development would not lead to undue disturbance or destruction of roosting sites for bats, which are subject to strict protection under the Directive.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ciarán Daly

Planning Inspector

22nd May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500788-RN-26
Proposed Development Summary	Demolition of derelict structures and the repair and refurbishment of the terrace to provide 5 residential dwellings. Construction of a discount food store (to include off licence use) and all site development works.
Development Address	The Former Candon's Site and lands to the rear of Patrick Street, Boyle, Co. Roscommon.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold.	State the Class and state the relevant threshold Schedule 5 Part 2 Class 10 (b) – Infrastructure Projects: (i) Construction of more than 500 dwelling units. (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sqm threshold.

Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	(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.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500788-RN-26
Proposed Development Summary	Demolition of derelict structures and the repair and refurbishment of the terrace to provide 5 residential dwellings. Construction of a discount food store (to include off licence use) and all site development works.
Development Address	The Former Candon's Site and lands to the rear of Patrick Street, Boyle, Co. Roscommon.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Floor area for demolition is 1,043.2sqm and this could negatively impact on bats as outlined in the above assessment. Residential floor area to be retained is 394sqm and food store floor area is 1,839sqm on a site area of 0.84ha. The refurbished residences would consist of a two storey terrace and the food store would be single storey with a surface car park. Access would be from Patrick Street. Waste would be generated during demolition, excavation and construction. This would not be significant given the scale of the project. The development has a modest footprint, comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant

	risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in an urban area on brownfield and greenfield land which is abundant in the area. The greenfield area of the site is adjacent to the grounds of Frybrook House, a protected structure. The site is c.80m north of the River Boyle. The development is removed from designated sites. The site is served by the local urban road network of the town. The site consists of zoned and serviced lands within and adjacent to the town centre. Surface water drainage will be via discharge to rain gardens and tree pits to an underground attenuation system with outflow via a hydro brake flow control system to a culvert to the River Boyle such that the rate of outflow will be consistent with greenfield rates. The site is within Flood Zone C but a very small area of the site to the south-east is within area per where, per the OPW CFRAM maps, there is a risk of fluvial flooding during the 0.1% AEP event. Per my assessment of flood risk, this would not be a significant issue. There is potential for some harm to bats given that further information is required in relation to potential for a derogation licence for the works which will displace some bats from the site although this would not have a significant effect on local bat populations and the scale of development is not at a threshold where the requirement for an EIA would be triggered.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its town centre location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

Appendix 3: AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500788-RN-26	
Step 1: Description of the project and local site characteristics	
Demolition of derelict structures and the repair and refurbishment of the terrace to provide 5 residential dwellings. Construction of a discount food store (to include off licence use) and all site development works. The site is a part brownfield and part greenfield site adjacent to the town centre of Boyle.	
Brief description of project	The proposed development, in summary, consists of the following: • Demolition of derelict building and structures (1,043 sqm) to the rear of the two storey terrace on Patrick Street. • Repair and refurbishment of the terrace to provide 5 no. two storey residential dwellings (three no. one bed and two no. two bed) each with private amenity space, car parking and communal bin storage. • Construction of a single storey discount food store (including off license) of 1,839sqm (net retail area 1,315sqm). • Construction of separate ESB substation and switch room. • One internally illuminated two sided pole sign at site entrance at Patrick Street, two internally illuminated store signs at north and east elevations.

	• 96 no. car parking spaces and 10 no. bicycle parking spaces. • Reconfigure site access from Patrick Street to lands to rear. • Landscaping works, boundary treatments and solar panels at roof level.			
Brief description of development site characteristics and potential impact mechanisms	Site size is 0.84ha, demolition floor area is 1,043sqm and proposed food store is 1,839sqm. Connection to public mains. Outfall of surface water drainage to the river Boyle.			
Screening report	Y – AA Screening report by Altemar, Marine and Environmental Consultancy.			
Natura Impact Statement	N			
Relevant submissions	None.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N

Lough Gara SPA (site code 004048).	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] (Conservation Objectives, NPWS, 17th January 2025)	c.6km to south-west	No hydrological connection and site not ex-situ site for bird species	N
Lough Arrow SPA (site code 004050).	Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Tufted Duck (<i>Aythya fuligula</i>) [A061] Wetland and Waterbirds [A999] (Conservation Objectives, NPWS, 14th February 2025)	c.6.2km to north	No hydrological connection and site not ex-situ site for bird species	N

Lough Arrow SAC (site code 001673).	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] (Conservation Objectives, 21 st October 2021)	c.6.2km to north	No hydrological connection.	No
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: N

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

No pathways from the subject site and no significant effects possible for the above three European sites.

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

I conclude that the proposed development (alone) would not result in likely significant effects on Lough Gara SPA (site code 004048), Lough Arrow SPA (site code 004050) and Lough Arrow SAC (site code 001673). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

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 would not be likely to give rise to significant effects on Lough Gara SPA (site code 004048), Lough Arrow SPA (site code 004050) and Lough Arrow SAC (site code 001673). in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature of the works.
- The lack of any ecological pathways from the subject site to any European site.

Appendix 4

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500788-RN-26	Townland, address	The Former Candon's Site and lands to the rear of Patrick Street, Boyle, Co. Roscommon.
Description of project		Demolition of derelict structures and the repair and refurbishment of the terrace to provide 5 residential dwellings. Construction of a discount food store (to include off licence use) and all site development works.	
Brief site description, relevant to WFD Screening,		The site slopes modestly downhill and consists of some derelict buildings adjacent to the street and is largely grassland otherwise. The south-edge corner of the site is within the 0.1% AEP event for fluvial flood risk as the site is c.80 from the River Boyle.	
Proposed surface water details		SUDS measures, petrol interceptor and attenuation tank to ensure greenfield outflow rates towards the River Boyle.	
Proposed water supply source & available capacity		Connection to public supply, no capacity issues noted.	
Proposed wastewater treatment system & available capacity, other issues		Connection to public network, no capacity issues noted.	
Others?			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	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) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Yes, 80m to the south-east via intervening lands	Boyle_030 River Waterbrody (IE_SH_G_073)	Good	Not at risk	Agriculture, hydro morphology, sedimentation, wider network.	Not hydrologically connected to surface watercourse.	See standard measures in Table 6 of the EclA and in the CEMP Section 6.0	Yes
Yes, below site	Curlew Mountains Ground Waterbody (IE_SH_G_073)	Good	Not at risk	Agriculture and nutrient leaking, high groundwater vulnerability, domestic wastewater treatment systems, forestry and peatland,	Potential for stormwater run-off, drainage, groundwater	See standard measures in Table 6 of the EclA and in the CEMP Section 6.0	Yes