

Planning Department  
South Dublin County Council  
County Hall, Town Centre  
Tallaght, Dublin 24

Wednesday, 20<sup>th</sup> July 2022  
[By Post]

Dear Sir/Madam,

**RE: PROPOSED DISCOUNT FOODSTORE ANCHORED DEVELOPMENT AT MAIN STREET UPPER, NEWCASTLE, CO. DUBLIN**

**1.0 INTRODUCTION & SUMMARY**

**1.1 Applicant, Design Team & Summary of the Proposed Development**

Lidl Ireland GmbH hereby apply for permission for development as summarised above.

The Planning Partnership have prepared this Application in association with Darmody Architecture (Architects), Structural Design Solutions (Engineering), Stephen Reid Consulting & Traffico (Traffic and Transportation); Altemar (Environment & Ecology); Lawler Consulting (Mechanical & Electrical Engineering); JBA Consulting (Flood Risk); Austen Associates (Landscape Architecture) and CLV Consulting (Noise Assessment).

This planning application principally relates to the proposed development of a licenced Discount Foodstore (measuring 2,207 sqm gross floor space and 1,410 sqm net retail sales area – c. 1,269 sqm *convenience* net sales area, with the remainder relating to ancillary *comparison* sales).

The scheme also includes the delivery of two additional units, a café type premises and a retail unit, both of which are informed by existing structures on site along with new build elements, all of which will be completed as a single phase of development alongside the construction of the Lidl anchor premises.

It is estimated that the proposed Lidl store will provide up to 25 direct full time jobs (generating in the order of €1 million per annum locally in wages), in addition to further jobs created or supported indirectly and other construction stage employment, in excess of €1.5 m in construction wages alone. The ancillary units will also contribute to employment at construction and operational stages.

The proposal will also provide the (growing) Newcastle with an enhanced and competitive (alongside the Super Valu premises under construction) retail offer, serving the settlement with an appropriate level of food shopping facilities, currently absent, and building on the identified function of the town in the settlement and retail hierarchies.

For the avoidance of doubt, the subject site has been considered in the context of the *Sequential Approach* and is suitable, available and viable location, and in accordance with the requirements of the *Retail Planning Guidelines, 2012*, as elaborated on in the enclosed Retail Impact Assessment (RIA).

Furthermore, the proposed development will provide a positive contribution to the character of the area, making beneficial use of a currently under utilised site, within the town core, whilst respecting the notable natural and built environment features of the area, and also having regard to the planned and future potential development of lands adjoining to the east, south and west.

Finally, we note that the proposal has been the subject of pre-planning discussions and feedback provided by the planning department which has been taken into account and issues raised responded to herein.

## 1.2 Details of the Proposed Development

The proposed development is set out in detail (elaborating on the public notices) and consists of the following main elements:

- The construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with mono-pitch roof and overall building height of c. 6.74 metres) measuring c. 2,207 sqm gross floor space with a net retail sales area of c. 1,410 sqm;
- Construction of a vehicular access point to Main Street Upper and associated works to carriageway and including partial removal of boundary wall / façade, modification of existing footpaths / public realm and associated and ancillary works including proposed entrance plaza area;
- Demolition of part of an existing rear / southern single storey residential extension (and related alterations to remaining structure) of 'Kelly Estates' building. The original 'Kelly Estates' building (a protected structure - Eircode: D22 YgH7) will not be modified;
- Demolition of detached single storey accommodation / residential structure and ancillary wall / fence demolitions to rear of existing 'Kelly Estates' building;
- Demolition of existing single storey (stable) building along Main Street and construction of single storey retail / café unit on an extended footprint measuring c. 118 sqm and associated alterations to existing Main Street boundary façade;
- Renovation and change of use of existing (vacant) two storey vernacular townhouse structure to Main Street, and single storey extension to rear, for retail / commercial use (single level throughout) totalling c. 61 sqm – the precise use / end user to be determined subject to demand, etc.;
- Repair and renewal of existing Western and Eastern 'burgage plot' tree and hedgerow site boundaries; and,
- Provision of associated car parking, cycle parking (and staff cycle parking shelter), pedestrian access routes and (ramp and stair) structures (to / through the southern and western site boundaries to facilitate connections to potential future development), free standing and building mounted signage, free standing trolley bay cover / enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments and divisions, retaining wall structures, drainage infrastructure and connections to services / utilities, electricity Substation and all other associated and ancillary development and works above and below ground level including within the curtilage of a protected structure.
- In terms of Lidl trading hours the Applicant proposes normal supermarket trading of 8am to 10pm Monday to Saturday inclusive and 9 am to 9 pm on Sunday's and Public Holidays; and,
- In terms of Lidl delivery hours, the Applicant intends that there would typically be only one delivery per day to the store. The enclosed drawings illustrate the delivery manoeuvre can be accommodated on site.

## 1.3 Adjoining Lands

We note that a separate application or applications has been lodged on the lands to the south of the proposed Lidl site and is due for decision in the short term. Further development to the west may also be proposed in due course.

For the avoidance of doubt, the subject application does not rely on any works or development outside the application red line boundary however has made provision for connectivity and permeability through the subject site.

Aside from the above, the design teams preparing each application have liaised to ensure a degree of consistency, etc. however it should be noted that the subject application is wholly independent in terms of being capable of being implemented in isolation / advance of the adjoining application.

**Plate 1: Illustration of Streetscape of Proposed Development**



Source: Darmody Architecture

**Plate 2: Illustration of Streetscape of Proposed Development**



Source: Darmody Architecture

#### 1.4 Rationale for the Proposed Development

- Newcastle is an important urban centre and designated as a Self Sustaining Growth Town and Level 4 Retail Centre in the South Dublin / Greater Dublin Area settlement and retail hierarchies;
- As such the town is intended to provide a commensurate level of retail facilities for the rapidly growing population of the town and its immediate environs, which has limited suitable alternative shopping destinations, being somewhat disconnected from surrounding towns;
- Existing and contemporary (2022) local policy explicitly highlights the lack of local services including retail provision in the town, as a major shortcoming in the town delivering on its role in the settlement and retail hierarchies;
- The development of a new physical store in Newcastle is considered to be an important addition to the area, assisting in limiting the diversion of expenditure out of the catchment to other centre and/or to online methods. Online food shopping in particular has expanded significantly in recent times, exacerbated by Covid 19;
- The delivery of a modern format store in the town will enhance the overall offer provided, which is currently under served, notwithstanding the expected delivery of a Super Valu store in the short term, as demonstrated in the enclosed RIA;
- The subject site is optimally located in terms of the Sequential Approach and is eminently *available, suitable and viable* and its location within the town centre will assist with rebalancing the expected imbalance arising from the opening of the Super Valu store in the short term, along with providing regeneration of an important part of the town core;
- Newcastle is targeted for considerable growth. Between the base / design / horizon years of 2022 / 2025 / 2028, the town and immediate environs population is projected to grow considerably;
- The Discount Foodstore sector has undergone a dramatic expansion nationally in recent years as a result of the increased take up by consumers of this retail offer. Discount Foodstore's now account for approx. 25% of the convenience market, up from 9% at the time of preparation of the Retail Planning Guidelines in 2010 / 2011;
- The subject development therefore represents a timely and proportionate expansion of the Discount Foodstore sector, which is not represented in the local retail market;
- The proposed development will also generate a relatively significant economic spinoff, both in terms of construction stage (generating in excess of approx. €1.5 m locally) and at operational stage (up to 25 no. direct jobs – generating approx. €1,025,000 per annum in wages) for the Lidl anchor store alone. The ancillary retail / commercial café unit would also provide a notable contribution to same; and,
- On the basis of the foregoing, we consider that the proposed development is consistent with the proper planning and sustainable development of the area and should be permitted accordingly.

## 2.0 POLICY CONTEXT

The following summarises relevant policies and objectives of various plans and strategies prepared by the County Council in relation to the subject site and the city centre area.

### 2.1 Retail Planning Guidelines

The *Retail Planning Guidelines* were published by the Department of the Environment, Community and Local Government in May 2012. The Guidelines represent a major update from the previous Guidelines, previously updated in 2005. The Guidelines highlight the economic importance of the retail sector:

*"Employment in the combined retail and wholesale sector in 2010 was estimated by the Central Statistics Office at almost 270,000 people or about 14.7% of people employed in the State. Apart from direct and indirect employment, retailing plays a major role in attracting people to the centre of cities, towns and villages, thus contributing to the overall economic vitality of those centres and supporting their role as centres of social and business interaction in the community."*

In addition, a number of the 'Key Messages' outlined in the Guidelines are of note:

*"The retail sector is a key element of the national economy in terms of employment, economic activity and the vitality of Ireland's cities and towns."*

*"The development management process must support applications for retail development which: are in line with the role and function of the city or town in the settlement --hierarchy of the relevant development plan; and, accord with the scale and type of retailing identified for that location in the --development plan and relevant retail strategy."*

In relation to assessment of proposals, we also note the Guidelines state:

*"Where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies **are not required.**" [Emphasis in Guidelines]*

In our view the subject proposal is consistent with the general policies of the Guidelines the principles of which are reflected in the various local policy documents as discussed below and in the enclosed RIA.

As noted in the enclosed RIA, Discount Foodstores fall within the 'umbrella' of large convenience foodstores / supermarkets as defined in the *Retail Planning Guidelines, 2012*.

Accordingly, the 'land use' / 'land use class' of 'supermarket' applies to the proposed development, with 'Discount Foodstore' no longer having a distinct 'statutory' status.

For the avoidance of doubt however, we submit the term Discount Foodstore remains a relevant non-statutory 'description' of the use (effectively being a sub-category), and for instance it is used as such in the Retail Planning Guidelines, which also reiterate that: *"retailing is dynamic, it should be noted that new forms of retailing may evolve which are inadequately described by current terminology, and should be assessed on their merits."*

## 2.2 Retail Strategy for the Greater Dublin Area 2002-2016

This strategy, whilst somewhat dated, as noted in the following extract of the forthcoming Development Plan, remains a key policy document relevant to the consideration of retail proposals in the Greater Dublin Area. We also note the affirmation of the retail hierarchy under the more current Regional Spatial & Economic Strategy discussed in Section 2.3 below. In terms of currency, the forthcoming Development Plan states:

*"In recognising that the last Regional Retail Strategy was carried out for the Greater Dublin Region in 2008 under Regional Planning Guidelines, RPO 6.10 of the RSES supports the preparation of an updated Retail Strategy/Strategies for the Region in accordance with the Retail Planning Guidelines for Planning Authorities (2012). Any such Strategy will include a review of the retail hierarchy and retail floorspace requirements for the Region. In the absence of any update, the RSES sets out the retail hierarchy for the region, substantially reflecting the retail hierarchy in the 2008 Strategy for the Greater Dublin Area."*

We also note the following extracts from the Strategy:

*"The Strategy aims to set out a co-ordinated, sustainable approach to the assessment and provision of retail within the GDA so that... **Adequate and suitable provision is made to meet the needs of the growing and changing population, both overall and locally, and provide for healthy competition and consumer choice...***

*The Greater Dublin Area is **a complex and varied landscape** of economic activity, transport challenges, growing and mobile populations and high levels of activity in retail, leisure and community activities as part of the life experienced by those who live, work or visit the GDA.*

*From an examination of the many key statutory and non statutory documents which impact on the Retail strategy two key themes emerge which play a vital role in framing the revised Retail Strategy; these being...*

*- Sustainability: through providing locally accessible shopping for the more regular needs of communities, in ways that the options of walking and cycling as mode of getting to a destination are promoted...*

*- Choice: providing adequate retail permissions and development opportunities over the life of the Strategy to ensure that good market choice and competition is available; ensuring that retail is located where all members of society actively make choices about their destinations for shopping...*

*... **the provision of new convenience shopping shall also be promoted and encouraged in areas of significant population growth, should that occur, or where there is a locally identified gap in provision and competition.** Applications should detail, if justifiable, that their scheme(s) will meet local demand without damaging existing traders, and how it will promote more sustainable travel modes and shorter distances of travel.*

*Larger centres have in the past been the focus for much development and investment and to some extent this should continue to be the case. However, **the need for local shops and services is equally important within both urban and rural areas. Planning authorities should seek to protect existing facilities which provide for people's day to day shopping needs and seek to remedy deficiencies to avoid social exclusion and isolation.** Encouragement should therefore be given to uses which support the community and **help solidify the role of the village / small town as an important local centre** such as medical clinics, social services, pharmacies, cafes and post offices.*

*Neighbourhood / Small Town / Village Centre- These centres generally provide for one supermarket or discount foodstore ranging in size from 1,000-2,500 sq.m with a limited range of supporting shops (one or two low range clothes shops with grocery, chemist etc.) and retail services (hairdressers, dry cleaners, DVD rental) cafes and possibly other services such as post offices or community facilities or health clinics grouped together to create a focus for the local population.*

*The Retail Planning -Guidelines for Planning Authorities- the Department of Environment, Heritage and Local Government guidance document advises that Retail Strategies should "assess the broad requirement for additional development over the plan period... these assessments of future retail requirements are intended to provide broad guidance\* as to the additional quantum of convenience and comparison floorspace provision. They should not be treated in an overly prescriptive\* manner and should not seek to inhibit competition".*

*For this reason it is not the intention of this Strategy to present the figures as some form of cap on retail permissions for each Council, but to guide the scale of overall provision of retail; whilst taking into account the need to provide more local retail to reduce long distance travel for lower order shopping and encourage local provision of regular shopping needs. It is within this context that the results of the quantitative floorspace need assessment are now presented." [Our Emphasis]*

The above extracts highlight a number of important overarching (and timeless) considerations in terms of the importance of providing local shopping facilities at a scale commensurate with the role of the settlement, as is echoed in the Regional Spatial & Economic Strategy and Development Plan.

The Strategy also highlights that quantitative figures should not be given excessive weight over and above qualitative considerations.

Finally, we also note the Strategy repeatedly highlights the issue of "... the significant lead in times for certain types of development are taken into account- particularly schemes which augment existing retail or are infill town centre schemes which bring positive attributes to town centres."

In this regard, the subject scheme is intended to serve the long term needs of Newcastle, with the Applicant having invested significant time and resources into site selection and acquisition. As noted in the enclosed RIA for instance, efforts to deliver Discount Foodstore / Supermarket scale facilities in Newcastle have been ongoing since at least 2008 (Reg. Ref: SDo8A/0710 refers).

### 2.3 Regional Spatial & Economic Strategy

We also note that the *Regional Spatial and Economic Strategy* (RSES) for the Eastern and Midlands area, providing a "*Spatial Strategy – to manage future growth and ensure the creation of healthy and attractive places to live, work, study, visit and invest in*" and an "*Economic Strategy – that builds on our strengths to sustain a strong economy and support the creation of quality jobs that ensure a good living standard for all.*"

The RSES highlights the importance of the retail sector and confirms the Retail Hierarchy of the Region *inter alia* as follows:

*"6.5 Specific Sectors: Retail, Tourism, Marine, Low Carbon Economy and Agriculture*

*The following specific sectors- as labour intensive economic activities - are of particular importance to the Region, given their sensitivity for job creation, maintenance and sustainability.*

*Retail - The retail sector is a significant employer and economic contributor in the Region. It also plays a key role in placemaking and creating attractive liveable environments. As a significant attractor it enables the provision of strong mixed-use commercial cores throughout the network of city, towns and villages in the Region and can play a key role in the regeneration of areas.*

*RPO 6.11: Future provisions of significant retail development within the Region shall be consistent with the Retail Planning Guidelines for Planning Authorities 2012, or any subsequent update, and the retail hierarchy for the Region, expressed in the RSES, until such time as this hierarchy is updated.*

*Level 4 Neighbourhood Centres, Local Centres-Small Towns And Villages”*

#### 2.4 South Dublin County Development Plan 2016-2022 (as Varied)

The current statutory Development Plan for the South Dublin Area is the 2016-2022 plan. It is currently in the process of being replaced, with a new Development Plan having been adopted and will in force by 3<sup>rd</sup> August 2022.

As such the existing Development Plan is considered to be outdated in terms of the standards that will apply at the time of ultimate determination of any planning application on the subject site.

#### 2.5 South Dublin County Development Plan 2022-2028

As noted above a new Development Plan has been adopted as of 22<sup>nd</sup> June 2022 however has not been published in full to date nor will it take effect until August 2022.

From a review of the Draft Development Plan, and Material Amendments, as published to date, we note as follows (where we assume that Material Amendments have in fact been adopted).

In terms of the strategic level we note Newcastle is designated as a Self Sustaining Growth Town in the settlement hierarchy (somewhat elevated from the previous designation as a 'Small Town' in the previous Development Plan), described as: "... 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."

The following highlight a number of relevant extracts from the Draft / Amended Draft CDP:

*The Newcastle settlement had a population in 2016 of 3,093 which is targeted to grow between the period 2022-2028 by 1,094 persons (35%) to 4,187 persons by 2028. Taking this growth over the plan period alongside estimated growth between 2017 and Q3 2022 of 935 people this equates to an overall growth of 2,049 (65%) persons over the period 2017 to 2028. On this basis, **the settlement can be categorised as a medium sized town.***

*The jobs to residents ratio in 2016 was 0.215 which indicates a net-outflow commuter-based settlement which is dependent on other areas for jobs. However, as set out in the asset-based analysis in Appendix 2B, **the nearby Greenogue and Baldonnell Business Parks provide local jobs within close proximity to the settlement increasing this ratio to circa. 2.25.***

*The growth in Newcastle is mainly focused on the adopted Local Area Plan.*



**The overarching principle for the town is to improve the social and physical services in tandem with a phased approach to development to provide for the growing population. A phased sequential approach to development from the village core to the north and south recognises the ongoing construction activity and the delivery of key infrastructure identified in the Newcastle Local Area Plan.**

Newcastle has limited public transport provision and social services to date. Some improvements will be made as BusConnects brings improved services and overall accessibility to Celbridge, Dublin City Centre, Grange Castle, Hazelhatch train station and Saggart Luas Stop. The electrification and upgrading of the Kildare line to a high-frequency Dart service as far as Hazelhatch station will also benefit Newcastle.

**The settlement needs to develop at an incremental pace, based on the delivery of social, physical and transport infrastructure and services, supported by the LAP. The capacity of zoned lands is considered to be sufficient to meet long term demand for the settlement.**

*CS9 Objective 1: To ensure that development proposals provide for infrastructure including community buildings, sports pitches and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.*

*CS9 Objective 2: To support well designed infill and brownfield development on zoned lands along the main street, in particular where it provides for improved services, commercial, retail or mixed use provision to meet the needs of the growing population.*

*CS9 Objective 3: To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.*

*QDP12 Objective 4: To promote appropriate development that enhances the character and vitality of the existing settlements and which does not negatively impact on existing residential amenity.*

*Policy EDE13: Retail - Village Centres*

**Strengthen the retail, retail services and niche retailing function of traditional villages.**

*EDE13 Objective 1: To support and facilitate the development of an appropriate level of retail, retail services and niche retailing in the traditional village centres.” [Our Emphasis]*

In relation to the population projections, of 4,187 persons by 2028 (as proposed at amendment stage, reducing from 5,039 persons) we note that the (proposed amended) *Table 11: Core Strategy Table 2022 – 2028* suggests a revised target of 5,122 persons in 2028.

In addition, we note the Update to the *Asset-Based Assessment for Newcastle* published in the Material Amendments stage did not adjust the 2028 population target of 5,039 in *Table 13: Core Strategy Settlement Strategy* whilst the analysis therein also notes that:

*“The Infrastructure Assessment indicates that all undeveloped zoned land in the Settlement is classified as Tier 1. This is capable of an additional 646 units or 1,777 persons using 2.75 PPH. Taking the existing situation and if all the remaining capacity were to be developed, Newcastle could have a population of 5,805 persons in the longer term (88% on 2016 figure).”*

The Update to the *Asset-Based Assessment for Newcastle* also states:

**"... there is a deficit of community infrastructure serving the settlement ... This has a knock-on consequence for people in Newcastle having to travel to avail of services in the nearby settlements of Rathcoole, Saggart and Celbridge..."**

*On the basis of this analysis and considering the description set out under the RSES settlement hierarchy, it is considered Newcastle settlement should be designated a 'Self-Sustainable Growth Town' under the forthcoming Development Plan.*

*The focus of the Development Plan for this settlement will be to address the legacy of rapid planned growth by **facilitating amenities and services catch-up**, jobs and/or improved sustainable transport links to the cities and surrounding key towns, together with a slower rate of population growth. As a result, **the level of residential growth should be compact within the settlement and follow after the requisite social and physical infrastructure is in place in line with National and Regional Policy.**" [Our Emphasis]*

Based on the foregoing the housing / population targets for the settlement appear to range from 4,187 / 5,093 / 5,122 / 5,805 persons, in terms of either 2028 projections or the expected future population of the town in terms of the scale it has the potential to grow to in the medium to long term.

As is evident from the above extracts, the strong emphasis on development in Newcastle during the current Development Plan period, is to catch up with supporting uses for the existing and future residential growth. Retail expansion, in line with the role of the settlement, is a key element of same.

We respectfully submit that the proposed development is entirely in keeping with the overall strategy as outlined in the County Development Plan, and specific objectives for the development of Newcastle.

## 2.6 Newcastle Local Area Plan 2012-2022

We note the current Local Area Plan (LAP) was adopted in December 2012 and is due to expire in December 2022. As such the LAP remains live, subject to *Section 18 4(c)* of the *Planning & Development Acts, 2021-2021* in that "where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect."

We note the following extracts of the LAP in terms of the vision and key objectives for the town:

**"Reinforce and invigorate Main Street through the encouragement of infill mixed use development and public spaces..."**

*In accordance with the County Development Plan's existing zoning objectives, the Land Use and Density Strategy contained within this Local Area Plan provides for a mix of uses within the Village Core and residential uses within a Village Expansion Area and Settlement Edge with scope for local commercial uses in the Village Expansion Area...*

### 3.7 Commercial and Community Floorspace

*The total quantum of commercial and community floorspace permitted within Newcastle Village on the Plan Lands between 2000 and 2011 equated to circa 8,000 sq.m of which circa 2,000 sq.m (25%) has been built and circa 6,000 sq.m (75%) has not been built.*

**The role of Main Street as the centre of village activity will be supported by a Village Expansion area that consolidates development on backlands that surround Main Street.** The outer Settlement Edge will provide a softer transition with the surrounding countryside in the form of development on larger plots, a Towerhouse Park and the relocated Countryside Village Park (Taobh Chnoic).

**It is now proposed to retain and re-establish Main Street as the centre of focus for the Village by consolidating activity along the street with a mix of uses including retail uses focused around retail nodes and community and tourist uses focused around cultural nodes and opportunities.** Mixed use commercial (flexible commercial use units) and residential development will infill the remainder of Main Street on commercial opportunity sites.

This Plan details three specific areas or nodes located along Main Street: Retail, Civic and Historic/Cultural. These nodes will help to strengthen and create a strong vibrant Main Street.

It is an objective of this Local Area Plan: • **To concentrate new commercial and community development including retail floorspace around historic/cultural, civic and retail nodes along Main Street** in a manner that contributes to Main Street's vitality and viability and its re-establishment as the Village Core. (Objective LUD<sub>1</sub>)

**It is noted that existing retail and service businesses play a vital economic and social role in Newcastle Village. It is therefore a priority of this Plan to support and augment local businesses by encouraging further retail growth that enhances Main Street's vitality and viability.**

The footprint of the retail core designated under this Local Area Plan has been limited to provide for small to medium scale retail development that will cater for the local needs of Newcastle Village. **This will facilitate the infill of Main Street with retail and service units around retail nodes** including a medium sized supermarket / discount foodstore located at a new junction with Main Street on the western side of 'The Rise'.

It is an objective of this Local Area Plan: • **That the preferred location for retail and service development long Main Street is around retail nodes situated close to existing businesses.** Such development shall be commensurate to the local needs of Newcastle Village and shall comprise a medium sized supermarket (up to 1,500 sq.m net) and small scale flexible use commercial and retail units. (Objective LUD<sub>2</sub>)

The Civic Core will be located near the western end of Main Street and will be based around civic buildings including the two churches, the school and the community centre. The Plan will facilitate the expansion and consolidation of this civic core, in particular, the expansion of St. Finian's Community Centre into the adjoining site to the east. The expansion of the community centre will help shape and define a new village square that offers an element of parking for general use within the Village Core. This space will also be fronted by commercial and residential uses.

It is an objective of this Local Area Plan that: • Development of the site to the east of St. Finian's Community Hall shall provide for the extension of St. Finian's Hall and the provision of a market square with an element of parking. This space should be fronted by the extended community centre on its western side and commercial and residential units on its northern and eastern sides. (Objective LUD<sub>3</sub>)" [Our Emphasis]

We also note the following from the SCOT Analysis of Newcastle Village within the LAP, where a number of issues relevant to the subject proposal (and the planning gain arising) arose, as follows:

*"Challenges*

- *Disjointed development with no identifiable centre*
- *Absence of links between new estates and with Main Street*
- *Intermittent building frontages along Main Street and absence of clear village centre*
- *Lack of social/community facilities, open spaces and convenience shopping facilities*

*Opportunities*

- *Improved permeability between housing estates and with Main Street*
- *Consolidation of Main Street and establishment of Village Centre*
- *Plentiful supply of zoned lands for schools, improved retail offer and parkland/recreational facilities*

*Threats*

- *Further disjointed development*
- *Late delivery of social, educational or community facilities*
- *Late achievement of identifiable village centre"*

The above extracts are noted, and elaborated on in detail in further sections, including xx and the enclosed Retail Impact Assessment, in particular addressing the following issues:

1. The departure from LAP retail / village centre objectives to date;
2. The conflicting objectives of the LAP; and,
3. The floorspace and single supermarket 'cap' (See Section 3.3).

In relation to the former, we note that planning decisions and development activity has departed from the objectives of the LAP, and such departures inform the context and acceptability of the subject proposal.

For instance, we note that whilst the LAP typically refers to a single supermarket outlet (though multiple 'anchors' were nonetheless also envisaged), the selected location for same in the LAP (no. 1 in Figure 1 below) differs to the ultimate site location of the Super Valu store under construction (no. 2 in Figure 1 below).

Furthermore, the Retail Nodes identified at nos. 3 & 4 in Figure 1 below have not materialised in terms of delivering notable retail floorspace, with the latter being completed and offering only a small scale of commercial floorspace, less than the scale of ambition of the LAP.

This substantial change in the balance of retail activity in the town, e.g. away from the Main Street, is of particular relevance in the context of the subject proposal (at no. 5 in Figure 1 below) in our opinion, as is elaborated on below.

In our opinion, the actual and emerging scale and distribution of retail in the town warrants a contemporary assessment of the appropriate scale / location / type of retail floorspace in the town, responsive to intervening changes.

In relation to the issue of conflicting objectives, we submit that a degree of inconsistency or tension arises in certain respects.

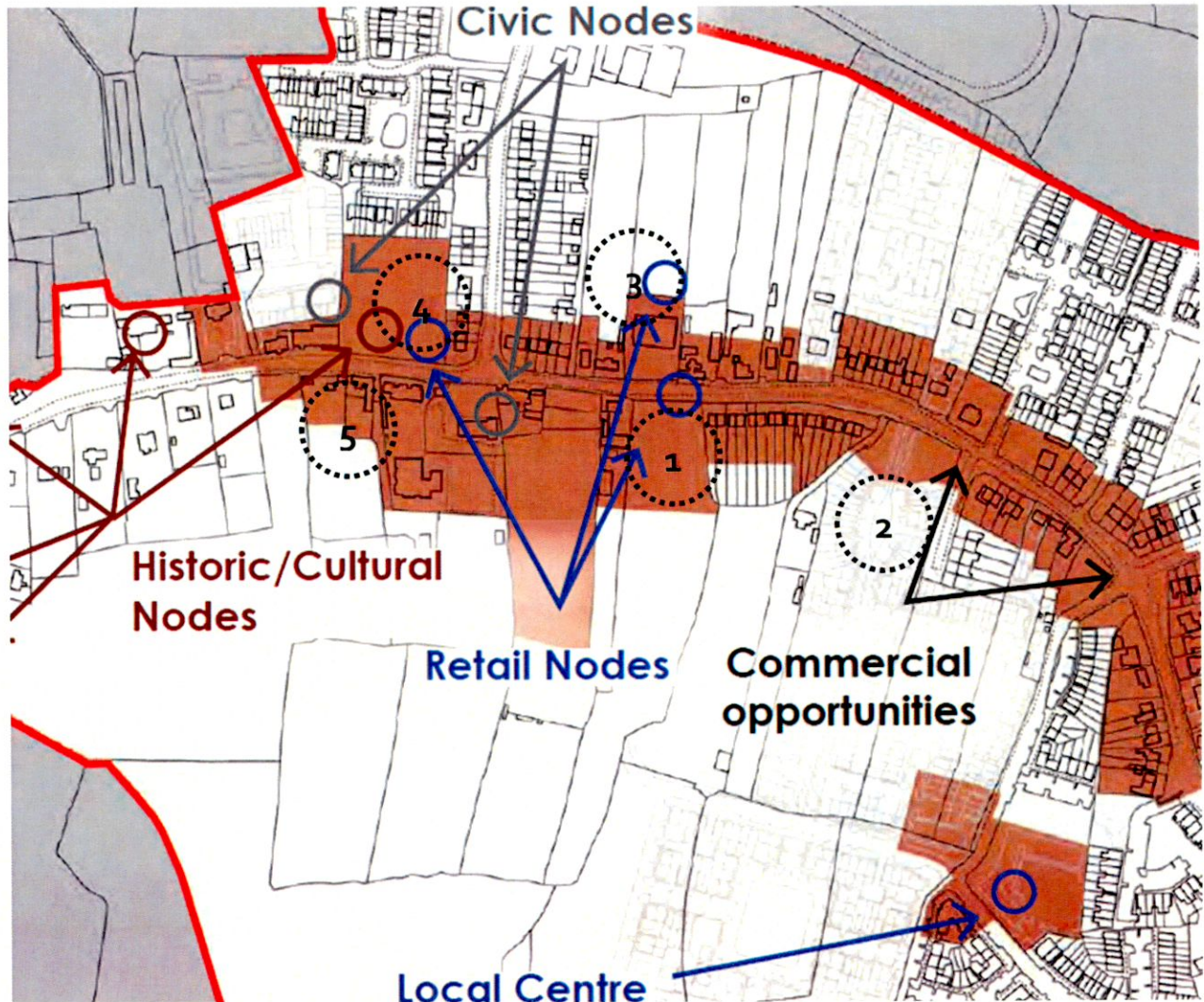
For instance, the LAP notes that *"It is therefore a priority of this Plan to support and augment local businesses by encouraging further retail growth that enhances Main Street's vitality and viability"* yet at the same time imposes a perceived limit on the number of supermarkets, thereby preventing local competition, etc.

The LAP also refers to multiple opportunities for 'anchor' developments including a number of retail anchors (e.g. Figure 6.3).

As such, we submit that the principal policies and objectives to be given weighted regard are those that relate to setting out the function of the settlement, and addressing the existing shortcomings, as set out above and in the SCOT Analysis of Newcastle Village within the LAP.

The new Development Plan, along with the Regional Retail Strategy and RSES clearly highlight that a qualitative approach should be prioritised ahead of reference to arbitrary and dated figures.

**Figure 1: Nodes of Activity within Village Core**



Source: Figure 5.8, Newcastle Local Area Plan 2012-2022

### 3.0 ANALYSIS OF THE PROPOSED DEVELOPMENT

#### 3.1 Site Location, Context, etc.

The subject site is located at Main Street Upper in the centre of Newcastle with a site frontage along the Town Area. The site extends to c. 1.04 hectares in a linear north south shape defined between eastern and western 'Burgage Plot' boundaries. The site is a combination of historical / vernacular development, modern brownfield area and a greenfield extent to the south.

As noted below and in accompanying reports, the existing features on site have had a substantial influence on the design and layout of the proposed development, with considerable adjustments to 'standard' approaches applied accordingly.

The (application red line) site includes the adjoining protected structure however as noted in the enclosed reports, no alterations to the protected structure itself are proposed. A number of existing structures to the rear of the site frontage are to be cleared to enable development, whilst sensitive intervention to the front boundary and dilapidated structures thereon is also proposed.

As noted above, to the south the site adjoins a planned housing development (by others) along with anticipated development to the west, and potentially in the longer term to the east. The proposed development has regard to same, providing for potential connections to the south and west accordingly.

**Figure 2: Aerial View of Subject Site (Approx. Boundaries Outlined in Red)**



Source: Bing Maps

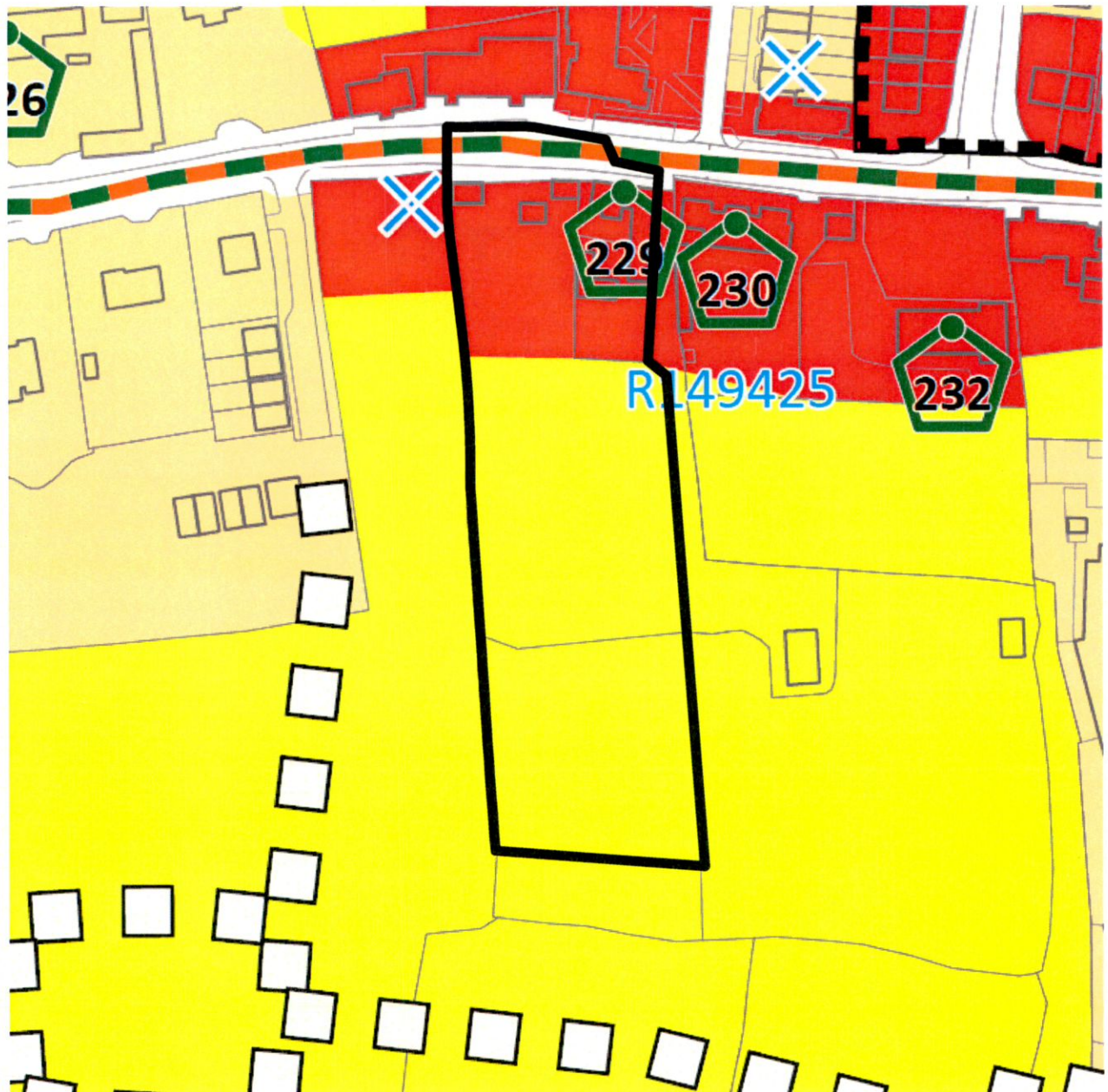
### 3.2 Land Use & Site Zoning

The subject site is zoned for a combination of *RES-N* To provide for new residential communities in accordance with approved area plans and *Objective VC* To protect, improve and provide for the future development of Village Centres. *Shop-Neighbourhood*<sup>1</sup> is Permitted in Principle under both zoning objectives.

<sup>1</sup> Defined as: "smaller shops giving a localised service in a range of retail trades or businesses such as butcher, grocer, newsagent, hairdresser, dry cleaning or launderette, and designed to cater for normal neighbourhood requirements. It also includes a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 2,500 sq.m. net retail floorspace."

The subject proposal is therefore wholly permissible under the land use zoning objectives for the site.

**Figure 3: Zoning of Subject Site (Approx. Boundaries Outlined in Black)**



Source: Draft South Dublin County Development Plan 2022-2028, Map 7

### 3.3 Retail Outlet / SQM 'Cap'

We note, following Pre-Planning discussions, a particular issue of note to the local Planning Authority is the suggestion within the existing LAP regarding provision only being made for a single supermarket up to 1,500 sqm (net).

Permission has been granted for a Super Valu store in the town, as noted above (located at no. 2 in Figure 1 above), which is currently under construction, and will comprise in the order of c. 1,100 sqm net convenience sales area (assuming a 90/10 split in terms of convenience / comparison in the overall sales area of 1,222 sqm).

For the avoidance of doubt, we submit that the references in the LAP to a single Supermarket and a floorspace threshold of 1,500 sqm are not barriers to the subject proposal, for a number of reasons, as set out herein, and detailed in the enclosed RIA where relevant.

The (then) Retail Hierarchy vs. Current Retail Hierarchy Designations

We note that the existing LAP was drafted during the period of the 2010-2016 Development Plan, and as such necessarily followed the conventions and thresholds of the then Development Plan. That Development Plan has been superseded (for a second time) by the emerging 2022-2028 Development Plan.

The new Development Plan (and its immediate predecessor) changed those conventions and thresholds, as follows in Table 1.

**Table 1: Comparison of Previous and Current Retail Hierarchy Policies**

Policy / Threshold	2010-2016 Plan	2016-2022 & 2022-2028 Plan
Shop Neighbourhood Description	This category includes smaller shops giving a localised service in a range of retail trades or businesses such as butcher, grocer, newsagent, hairdresser, ticket agency, dry cleaning or launderette, and designed to cater for normal neighbourhood requirements. It also includes a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 1500 m2 in gross floor area.	This category includes smaller shops giving a localised service in a range of retail trades or businesses such as butcher, grocer, newsagent, hairdresser, dry cleaning or launderette, and designed to cater for normal neighbourhood requirements. It also includes a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 2,500 sq.m. net retail floorspace.
Village Centre Description	These centres usually provide for one supermarket or discount foodstore ranging in size from 1,000-1,500m <sup>2</sup> with a limited range of supporting shops and retail services, cafes and possible other services such as post offices or community facilities or health clinics grouped together to create a focus for the local population. It also includes a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 1500m <sup>2</sup> in gross floor area.	These centres usually contain one supermarket ranging in size from 1,000-2,500 sq.m. with a limited range of supporting shops and retail services and possibly other services such as post offices, community centres or health clinics grouped together to create a focus for the local population. These centres meet the local day-to-day needs of surrounding residents.

Source: South Dublin County Council

The LAP is therefore outdated and incompatible with the current retail hierarchy and thresholds as set out above, and as supported by the policies and objectives and commentary outlined in Section 2.5 above.

The 2022-2028 Plan threshold of 2,500 sqm net is also supported by the Regional Retail Strategy as reaffirmed by the RSES, as noted above.

In accordance with Section 18 4(c) of the *Planning & Development Acts, 2021-2021* we consider that the local Planning Authority are obliged to have regard to the current Development Plan conventions and threshold in their reading of the LAP.

In this regard we note that the combined (convenience) net sales area of the subject proposal and the under construction Super Valu store is within the range of 2,500 sqm at c. 2,369 sqm.



### The Regional Retail Hierarchy & Precedent

As noted in Sections 2.2 & 2.3 above, the position of Newcastle in the Retail Hierarchy is not governed by the LAP, rather the Development Plan sets out same. The LAP is merely a reflection of the then Development Plan position. As the Development Plan conventions and threshold have evolved since 2012, the LAP should be interpreted accordingly.

In this regard, we note that the Regional Strategy and RSES sets out a hierarchy for the region including a number of other local authorities, whom contain a number of similarly designated Level 4 centres.

Dublin City, Dún Laoghaire Rathdown and Fingal County Council's for instance provide a similar hierarchical structure, following the same 'Shop-Neighbourhood' category allowing for up to 2,500 sqm net retail sales area, referring to 'a' (singular) supermarket, following the Regional Retail Strategy convention.

In this regard, we note that a number of Level 4 centres throughout the Greater Dublin Area provide more than one Supermarket or Discount Foodstore, hence confirming that there is no actual restriction to a single unit in such centres. Including for instance Rathbeale in Swords, Portmarnock, Tyrellstown in West Dublin, Glenageary and Deansgrange in Dún Laoghaire-Rathdown), whilst permission is in place for similar scenarios in Lusk & Donabate in Fingal. Whilst these centres are in differing local authority areas, they are all subject to the same Regional Retail Strategy and RSES conventions as Newcastle.

We also note that the issue specifically arose in the Board's determination of a Third Party Appeal (ABP Ref: PLo6F.245989) in the case, where the Board confirmed that there is no actual restriction to a single unit in such centres, stating: "*In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the status of the site in the Fingal Development Plan and the Portmarnock Urban Centre Strategy...*" [Our Emphasis]

### Interpretation

We also submit that a degree of discretion and balance is required in terms of the interpretation of the LAP references to 'a' Supermarket / Foodstore and 1,500 sqm.

In this regard we reiterate the Retail Planning Guidelines, which state that: "*retailing is dynamic, it should be noted that new forms of retailing may evolve which are inadequately described by current terminology, and should be assessed on their merits.*" Convenience retailing has changed significantly in the period since the adoption of the LAP.

### Imbalance in Town Core in Absence of Lidl Proposal

We also note, as highlighted above, that the original intention of the LAP has evolved, in that the objective of a clustered arrangement of retail nodes and anchor stores has somewhat failed to materialise, with the under construction Super Valu store located at somewhat of a remove from the village centre focal points, somewhat contrary to the LAP objective "*that the preferred location for retail and service development long Main Street is around retail nodes situated close to existing businesses.*"

In this regard, and notwithstanding the Main Street location of that site, we submit that in the absence of a counter balance, the new Super Valu store would nonetheless likely have a notable 'pull' effect in terms of drawing footfall and activity from the existing focal points.

The subject proposal could balance this effect, by providing competition in the first instance but also a destination / anchor to ensure that the Upper Main Street area concentrated around the Community Hall, ensuring the vitality and viability of this area within the town core is not undermined.

The LAP anticipated a more central location for a Supermarket and as such it is appropriate that the local Planning Authority would adapt its approach based on the consequences of the permitting of the Super Valu outlet at a slightly more peripheral position to that which was intended.

#### LAP Objectives not Prejudiced

Having regard to the foregoing, we submit that the LAP Objectives would not be prejudiced to the extent that there would be any barrier to a grant of permission for the subject proposal.

As noted above the 'singular' emphasis is of no consequence and is merely a template form of wording widely applied without intending to limit the provision of units. The floorspace emphasis is outdated and superseded by contemporary policy.

On a qualitative basis, the proposed development is wholly in line with the explicitly stated intentions of the LAP and the Development Plan, in terms of providing 'catch up' services such as retail for the local (growing) catchment.

The *Development Management Guidelines 2007* also clarify that only "fundamental" departures from, or proposals that would "seriously prejudice", the provisions of the Plan, would constitute a material contravention. Accordingly, based on a reasonable review of the LAP referred above, we submit that the issue of material contravention clearly does not arise.

### **3.4 Retail Impact Assessment**

The enclosed RIA outlines retail issues in detail however we note in summary:

1. Newcastle is designated as a Level 4 retail and service centre, and as such appropriate retail provision is required, which includes the provision of one or a number of Supermarkets and Foodstores, as widely demonstrated across the Greater Dublin Area;
2. At present, there is significant under-provision of convenience retail floorspace in Newcastle, such that it is not fulfilling its role in the settlement or retail hierarchies. The emerging Super Valu premises will contribute to addressing this however will not be sufficient in and of itself to resolve such issues;
3. The development of appropriate retail floorspace in Newcastle has proved particularly challenging and protracted, ongoing since 2008, and as such the proposal should be considered in the medium to long term context of the needs of the town rather than in the short term. For the avoidance of doubt, the subject proposal is justifiable in either instance;
4. The site is in accordance with the sequential approach, being within the core retail area of the town, and with no preferable locations being suitable, available and viable;
5. At a minimum, at least an additional 1,555 m<sup>2</sup> of net convenience floorspace is required by 2025, or a further 286 sqm after catering for the proposed development, with no upper limit or cap applicable;
6. In terms of retail impact, no material impact is anticipated to occur at any relevant retail centres, with typically less than 2.4% projected, compared to normally acceptable levels of 10-15%. As noted in Section 4.0 of the enclosed report: "*The possibility of losing turnover to new retailers is what drives retailers to provide maximum value and service to consumers. This is the essence of competition.*"

Having regard to the foregoing, and in particular the town centre location of the site, as per the *Retail Planning Guidelines, 2012*, we respectfully submit that "*the development management process must support applications*" such as this.

### 3.5 Economic Benefits of the Proposed Development

As noted above, the proposed development will deliver material employment benefits, as the following illustrates. Lidl estimate that up to approximately 25 no. full time equivalent staff would be directly created by the proposed development, in the short to medium term. No specific assumptions are made at this stage for the two ancillary units due to the uncertain staffing levels therein.

The proposed development will cater for a wide variety of potential employment roles but principally managerial, sub-managerial and general retail operatives. CSO data states that average earnings per week (seasonally adjusted) at Q4 2019 were €789.58.<sup>2</sup> The utilisation of average industrial wage data allows account to be taken for all levels of earners operating in the retail sector. Post 2019 figures are not referenced due to potential (temporary) effects of the Covid-19 pandemic.

This methodology identifies that the proposed development has the potential to distribute **direct wages of up to approximately €1,025,000 per annum.**

In terms of construction stage investment (broad estimate of c. €3,000,000), this will also generate / support employment in the area.

To estimate the 'employment dividend' of same we refer to the Government's *Building on Recovery: Infrastructure and Capital Investment 2016-2021* (September 2015), which states: "For construction in general, the analysis estimates that for a €1 million increase in construction expenditure, direct and indirect employment in construction will increase by approximately 12 job years." - i.e. 12 jobs for 1 year, 24 jobs for six months, etc. (multiplied by 3), equating to 36 no. 'job years'.

Using the same CSO earnings data as above for Q4 2019, which states that average construction earnings per week is €841.01, this equates to €1.574 m (36 x €841.01 x 52) in construction stage wages during the course of the project. This is a substantial amount of money that will be introduced to the economy and will have spill-over effects into local shops, restaurants and service providers through employee spending.

### 3.6 Traffic and Transportation

A detailed Transportation Assessment is enclosed with this application prepared by Stephen Reid Consulting. The enclosed report addresses issues including traffic volumes, accessibility / junctions, delivery movements, etc. and concludes that the proposed development would not give rise to any material issues / impacts in terms of traffic or transportation.

In terms of parking, we note the proposed development provides 93 no. car parking spaces and 40 no. cycle parking stands, which we submit is wholly adequate to service the proposed development.

In terms of Development Plan standards, we note a notional requirement of 96 no. car parking spaces (1 space per 25 m2 gross floor area for Retail Convenience, 1 per 35 sqm for Retail Comparison and 1 per 20 sqm for Café / Restaurant). In terms of cycle parking, we note a notional requirement of 49 no. spaces (1 per 50 sqm for retail and 1 per 10 seats for Café / Restaurant).

In relation to the latter, the Applicant is amenable to the expansion of cycle parking if deemed required, however the provision herein is considered to be expansive and in excess of typical provision and usage.

The proposed development also includes for electric vehicle charging spaces, 6 no. initially, with provision for future expansion (with next generation charger infrastructure as and when required). An MV Substation building is provided as part of the proposed development to future proof electrical capacity at the site in this regard.

<sup>2</sup> <http://www.cso.ie/indicators/default.aspx?id=4EHO08>

Further upfront delivery would be considered to be counter productive relative to current EV charging requirements and the share of the national fleet that relates to plug in electric vehicles. Premature deployment of current (2022) charging technology would undermine the incremental roll out of newer generations of charging infrastructure (which are rapidly evolving).

For instance, the current Lidl specification of chargers are 'DC Chargers', replacing the previous generation of 'AC Chargers'. The lifecycle of the first generation of chargers was for instance only c. three / four years, with the first chargers having been installed at Lidl stores in 2018. A similar lifecycle may arise for the current and subsequent generations of infrastructure.

The current DC Charger specification is significantly more efficient / powerful than the previous generation, resulting in one DC charger having the potential to serve a much higher volume of customers. For instance, the DC charger can provide a c. 80% charge in 40 minutes compared to the previous generation period of almost three hours.

The change in specification can therefore be more effective than the absolute number of chargers provided and highlights that a *qualitative* approach to charging infrastructure is appropriate. For instance, the proposed 2 no. DC Chargers would provide more charging capacity than multiples of that number of AC Chargers. The result of same is that the occupancy of EV spaces is considerably reduced, and has been observed as resulting in 11% occupancy<sup>3</sup> vs. 40% occupancy for AC Chargers.

In terms of usage of charging infrastructure at existing Lidl stores, the Applicant notes that spare capacity at existing Lidl stores (whether AC or DC chargers – and typically 2 no. spaces provided) ranges from 60% to 89%, in terms of charging hours available for use. Even where slower chargers are in place, significant capacity remains.

This level of occupancy reflects the general take up of electric vehicles nationally, where in the Sustainable Mobility and Transport 2021 (July 2022), only 3.2% of respondents owned an electric vehicle, of which 45% were non plug in Hybrid Electric Vehicles.

Accordingly, c. 1.76% of car owners had use or need of charging infrastructure. Whilst this figure will undoubtedly increase significantly in the long term, the level of growth to justify a significant proportion of parking spaces being dedicated to electric vehicle charging is some time away in our opinion.

We therefore submit that the Development Plan guidelines are somewhat premature in terms of the roll out of electric vehicles, and having regard to the above, the pre-emptive roll out of excess chargers in the short term may be ultimately counter productive, and delay the organic roll out of newer generations of chargers on an incremental basis.

In addition, the reservation of more than the 6 no. spaces proposed for electric vehicle charging purposes would reduce the number of parking spaces available for conventional vehicles (which represent the vast majority of the national vehicle fleet, as demonstrated above, i.e. 98.25%).

Finally, we also note that 'retail / shopping' charging infrastructure only makes up a very small part of the electric vehicle charging network, in terms of demand by vehicle owners.

For instance, we note various surveys<sup>4</sup> indicate that 'retail / shopping' charging infrastructure relates to c. 3% or 4% of usage in terms of car owner habits, with home charging being the overwhelming preference.

On balance, we therefore submit that the proposed provision of 6 no. spaces (which can be expanded in future) represents the appropriate balance in terms of catering for existing and emerging parking requirements.

<sup>3</sup> i.e. The percentage of store opening hours where a charger is in use.

<sup>4</sup> <https://www.irishevowners.ie/charging-habits-survey-results/>

<https://cleantechnica.com/2020/11/27/ev-charging-habits-patterns-in-usa-europe-cleantechnica-report/>

The scheme also provides for service and delivery access, with a dedicated loading bay area provided for same (see Section 3.7 below), whilst we also enclose AutoTrack layouts illustrating larger vehicle manoeuvres on site.

We also note the inclusion of a small area of the street / public realm to the site frontage, to facilitate limited works to the roadway and public realm to accommodate the proposed access point. The detail of same is enclosed and elaborated on in the enclosed Transportation Assessment. A letter of consent has been obtained from South Dublin County Council to facilitate the inclusion of the area within the application boundary.

Finally, we also note that a Road Safety Audit has been prepared in relation to the proposed development and is enclosed with the application, with no material issue arising.

### **3.7 Site Permeability**

A core element of the subject scheme, as informed by the LAP and pre-planning discussions, is the provision of permeability through the site and connections to adjoining lands.

In this regard we note a key pedestrian spine (c. 2.5 metres in width) running through the subject site from north to south, connecting the Main Street to the proposed plaza area and through to the Lidl unit and further linking to the southern and western site boundaries, tying into the adjoining proposed Cairn housing development which is currently under consideration.

Both stepped and ramped links are provided to the proposed Cairn housing development accommodating all users. Cyclists will also be facilitated through the site albeit as part of a shared carriageway, as is appropriate in our planning opinion given the low speed environment of the scheme.

For the avoidance of doubt, the Design Team have considered the provision of a dedicated 'greenway' through the site however owing to the site constraints (e.g. site width and level change to southern boundary) such was not possible. The proposed links are however considered to be of high quality and fully addressing the objectives of the LAP.

We also note that provision has been made (within the site boundary) for a future link to the lands to the west of the subject site (north of the Cairn lands) along a desire line from the Lidl store entrance / trolley bay area which will future proof connectivity to the west, and may be completed / fulfilled as and when the lands to the west are developed.

With regard to linkages to the east, we note that none have been specifically provided for at this stage, owing to the established use of those lands, however the subject proposal could facilitate same without substantive modification. For instance, a pedestrian link connecting to the footpath to the front / north of the Lidl building façade would be readily deliverable, should a desire line emerge.

As noted in the enclosed Tree Report, the creation of gaps in the Burgage Plot alignments for such purposes is acceptable under the LAP, however the Applicant notes that they are amenable to any reasonable revisions or modifications that may be required by the local Planning Authority in this regard.

### **3.8 Built / Cultural / Natural Heritage**

The sensitivity, and opportunity, of the site is noted and has been considered in depth by the design team, including the scheme Architects and Cultural and Architectural Heritage Consultants, amongst others. We note also the Protected Structure designation of the existing Kelly Estates building, in terms of its original footprint, along with the Architectural Conservation Area designation of the Main Street.

In our opinion the proposed development responds appropriately to these elements, respecting the existing vernacular structures whilst removing a number of incongruous and/or low value elements enabling the opening up of the site backlands.

The scheme also engages with the street and the existing façade / boundary, providing activity and a mix of uses and activity in this area, with a new retail unit and café proposed in this area, framing the site entrance and plaza area.

The proposed Lidl store, located to the rear of the Main Street building line will enclose the public plaza and parking area providing a suitable and contemporary finish and neutral palette of materials that will assimilate with the character of the area.

We also refer to the enclosed Architectural Heritage Impact Assessment which concludes *inter alia* that: "*the proposed development of this street-fronting site within the historic core of Newcastle represents a well-considered and proportionate re-purposing of a heretofore underutilised plot*". An Archaeological Assessment is also enclosed which concludes *inter alia* that:

*"The proposed development comprises a mixed brownfield and greenfield land parcel, the northern two-thirds of which has ... a low archaeological potential. The southern portion of the site appears to have been largely unaffected by modern disturbance and has been assessed as retaining a moderate archaeological potential... the most appropriate and effective method to assess the archaeological potential of the overall site would be through a programme of archaeological testing... in advance of the commencement of construction works at the site"*

Overall, we submit that the proposed development is an appropriate and positive intervention in the Main Street of Newcastle and will provide material benefits to the area, not least in terms of enhancing the streetscape and the existing main street façade fabric, with limited and reasonable modifications.

### 3.9 Tree Survey

We refer to the enclosed Tree Survey Report commissioned by the Applicant in respect of the proposed development and the sensitivities of the site, particularly in terms of the established Burgage Plot alignments to the eastern and western boundaries. As noted therein:

*"The burgage plot boundaries are of important cultural, historic and ecological value and are to be retained and protected.*

*At the initial stages of the design process, the Arborist met with the design team ... The importance of the Burgage plots was outlined and the site layout composed to maximise tree retention in the Burgage plots.*

*... the constraints on the trees were set out to the design team and the site layout, including buildings, car parking and services, adjusted to facilitate tree and hedgerow retention...*

*... feedback from the discussion from South Dublin County Council ... was that where unsuitable species ... and self-seeded scrub species were present, that the line of Burgage plot be retained and the unsuitable planting removed and the hedge line planted with appropriate native species... resulting in an improvement to the burgage plot boundaries.*

*... the architect has produced a site layout based on the discussions in preplanning with South Dublin County Council as well as the project arborists input regarding tree and vegetation constraints and protection. After discussions re tree protection, the project engineer has set out site services and drainage to avoid the RPA's of the trees and retained hedgerows."*

We also note that the scheme Conservation and Archaeology specialists have provided input and assessment on this issue, and as part of the design process, with the proposed development following the recommendations arising.

### 3.10 Landscaping & Boundaries

The landscaping strategy for the subject site is also an integral element of site layout, with comprehensive hard and soft landscaping being proposed as detailed in enclosed drawings and details, which is heavily informed by the objectives for repair and renewal of existing Western and Eastern 'Burgage Plot' tree and hedgerow site boundaries.

We refer to the enclosed Landscape Plan (and sectional details) prepared by Austen Associates which illustrates the proposed landscaping specification.

We also note the urban plaza proposed as part of the scheme, combined with an expansive raised entry treatment, which in our opinion will deliver a significant planning gain to the area, whilst urban realm improvements are also proposed outside of the site curtilage (subject to the agreement of South Dublin County Council) in terms of tying into the existing street alignment, speed table, etc.

Within the site a number of landscaped areas also arise, including a number of Sustainable Urban Drainage System features, such as rain gardens, etc. as detailed in the enclosed Services Report and drawings.

The overall scheme will in our opinion deliver on the objectives of the LAP in a number of respects not least the emphasis therein on creating public spaces and squares in the town core, which the proposed plaza will give effect to, albeit on a relatively small scale.

In relation to site boundaries, as noted above, the enclosed drawings illustrate the proposals in detail. In summary, we note as follows:

- To the south, the existing street façade will be largely preserved with original openings reinstated and an enhanced arrangement provided. A free standing Flagpole sign will also be provided, as is a necessary intervention in order to way-mark the site entrance having particular regard to the set back presence of the Lidl store;
- To the rear and west of the protected structure and its remaining curtilage, a clear demise will be provided with a screen wall, ensuring an appropriate level of amenity for the retained structure;
- To the south, a retaining wall and railing, with a degree of grading (and defensive type planting to direct movement towards the pedestrian route) of site levels to the north (to minimise level changes) will define the demise between the Lidl and Cairn properties;
- The proposed steps will provide important permeability between the two, and through the site to Main Street (with ramp access also provided to the west);
- To the east and west, the existing hedgerows / tree lines will be preserved where appropriate and replaced / improved where appropriate, in accordance with the considered recommendations of the scheme Arborist; and,
- Gaps will be provided as necessary to allow for permeability through to lands to the west. Retaining walls will be provided where required, whilst respecting the footprint of the Burgage Plot alignments, etc. as illustrated on enclosed drawings and details.

Overall we consider that the enclosed landscaping design and boundary treatment proposals are appropriate and sensitive to the site constraints and opportunities.

### 3.11 Design Statement

#### Design of the Proposed Lidl Structure

The design of the proposed Lidl store is to an extent informed by a corporate standard / specification, with local modifications / adaptations where required, including in this instance, which has been accepted both by numerous local Planning Authorities and An Bord Pleanála in the Dublin area and nationally.

In terms of the Newcastle context, we submit that the proposed design herein represents a positive addition to the existing site, and is modern in outlook, with a relatively neutral palette of materials, with extensive use of glazing to emphasise key elements of the structure and will present a strong albeit set back façade to the Main Street / proposed plaza area.

The store also provides a high quality elevation to the west façade, whilst to the south and north the proposed finishes are relatively passive, in keeping with the nature of the site outlook to the south and west, where the former necessarily requires a loading bay arrangement (also in an area of cut) and the latter would be intended to be heavily screened by virtue of the Burgage Plot structure.

The 'public' elevations to the North and West are therefore of primary consideration in our opinion and are treated accordingly, with a high specification of materials.

The following Plates illustrate the general appearance of the proposed development (some design alterations arise), which are taken of recently completed similar stores. We consider that the proposed design is an appropriate addition to the local area and in keeping with the principles of the *Retail Design Manual*.

As noted in the Retail Planning Guidelines, "Good design is fit for purpose, sustainable, efficient, coherent, flexible, responsive to context, good looking and a clear expression of the requirements of the brief... Assessing quality is to a large extent an objective process. Ultimately ... some questions come down to individual taste and preference. What matters is quality not style'."

#### Plate 3: Indicative Front Elevation



Source: Lidl Ireland GmbH



Plate 4: Indicative Front Elevation



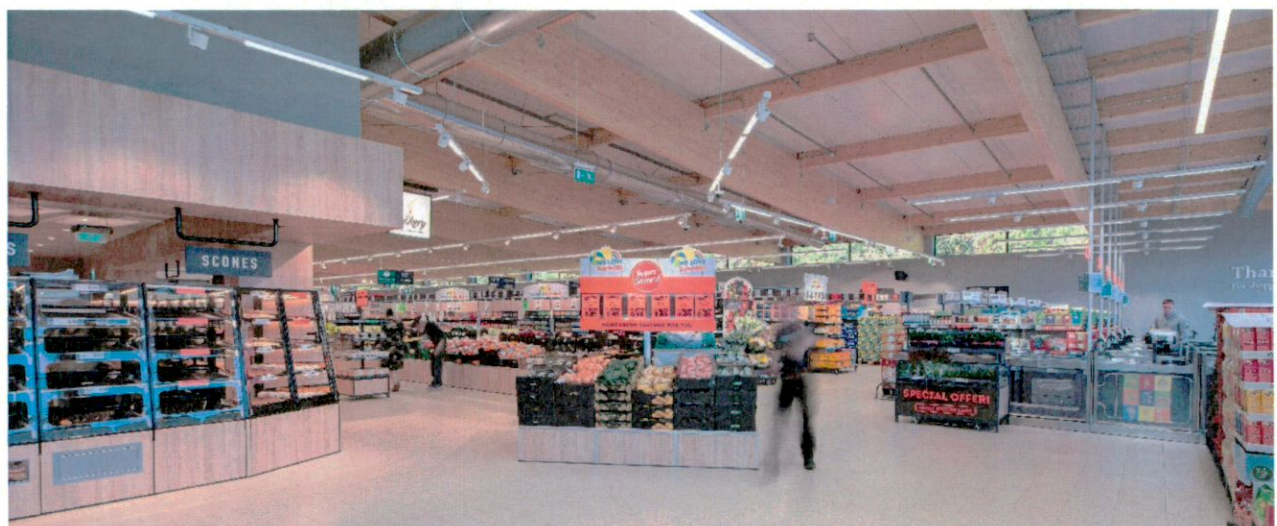
Source: Lidl Ireland GmbH

Plate 5: Indicative Internal Space



Source: Lidl Ireland GmbH

Plate 6: Indicative Internal Space



Source: Lidl Ireland GmbH

## Plate 7: Indicative Internal Space



Source: Lidl Ireland GmbH

### Design of the Proposed Ancillary Structures

We note the proposed ancillary structures are primarily informed by the existing features on site. The proposed Retail Unit (Building D) aims to restore the existing structure along with providing a suitably scaled and subservient extension to the rear, to provide a floorplate sufficient to be viable for a range of users. The intention is to restore in the first instance, with new additions being sympathetic to existing.

Similarly with regard to the proposed Café unit, whilst 'new build' it will in part follow an existing footprint whilst also integrating with the preserved façade of former buildings along Main Street. A contemporary design, of a proportionate scale to the character of the area, will assimilate well with the immediate area in our opinion, whilst providing a valuable and highly animated attractor, with its use also spilling over into the adjoining proposed urban plaza, creating a notable sense of arrival and place.

### Siting / Positioning of the Proposed Development

In arriving at the current planning application proposals, the Applicant has considered a number of siting / positioning options, which necessarily included having regard to the site characteristics.

In particular, the siting and orientation of the building was dictated by a) the need to preserve much of the Main Street façade, including the setting of the Protected Structure; and, b) the need to preserve the existing Eastern and Western boundary alignments.

These factors determined that a relatively linear scheme would be required, and of a height and scale that would not impinge on the relatively low level urban grain along Main Street, thus negating a multi-storey approach.

Having regard to the above, the scheme provides for a commercially viable scheme whilst addressing the site constraints, and also taking advantage of the site opportunities for instance: a) connectivity and links to adjoining lands; b) the creation of an urban plaza; c) the bringing into use of vacant vernacular structures and activation of the existing street façade.

We note that the scheme is comparable to an extent with other successful Lidl developments in the Dublin area, where a set back building line / footprint was necessitated due to various factors. For instance, in Terenure and Castleknock, which have both delivered significant urban enhancements to their localities, as will the subject scheme in this instance in our opinion.

### 3.12 Utilities & Services

As noted above, a detailed Services (Surface Water, Foul & Watermain) design is enclosed with this application, which includes a number of SUD's features, alongside standard engineering solutions to the various requirements on site.

In this regard we note that the existing watercourse / culvert traversing a south to north route along the western boundary is to be accommodated as part of the design, as will an existing spring within the site, drainage from which will be provided, as detailed in the enclosed report and drawings.

In relation to services and utilities, we enclose a lighting design report and drawing along with a plant / equipment layout detailing the external plant associated with the proposed development, including a substation structure.

We also note that a Noise Assessment is enclosed herein which assesses the potential noise implications of the proposed development, in terms of construction and operational stages, and has regard to the potential future noise sensitive receptors that may be developed to the east, south and west. This demonstrates that the subject proposal will not prejudice the future development of those lands for noise sensitive uses including residential.

### 3.13 Flood Risk Impact

We refer to the enclosed Flood Risk Assessment commissioned by the Applicant in respect of the proposed development and the potential for flood impacts arising from the proposed development, with particular regard to the above referred watercourse. We note the conclusions as follows:

*"Review of the Newcastle LAP and Eastern CFRAM study flood maps confirms that the site is not at risk of inundation from the 1% AEP or 0.1% AEP fluvial or coastal flood events. This places the site within Flood Zone C... Pluvial flooding has been assessed for the site and none has been identified onsite... The stormwater system has been designed in accordance with the GSDSDS standards... The identified drainage ditch, culverted downstream (Ref to Figure 4-1) that flows along the western boundary in a south to north direction is the only hydrological feature in the area... The existing spring and its connection to the culvert will be maintained within the proposed development. The culvert capacity has been estimated and it can contain flows up to 0.1% AEP events... In summary, the site is shown to be in Flood Zone C and therefore is appropriate for commercial development at this location."*

We submit therefore that there are no drainage or flood risk barriers to the proposed development.

### 3.14 Delivery & Waste Management Regime

With regard to the frequency of deliveries, the Applicant confirms that there would normally be one delivery per day and a maximum of two per day may occur on occasion.

The proposed development has been designed with delivery requirements, in addition to numerous other considerations, in mind, and the proposed development is eminently serviceable at all times, as illustrated on the submitted drawings.

Retail waste is intended to be segregated into a number of categories including store 'write offs'. In addition, general waste is also generated and cardboard waste. In terms of storage of waste, the proposal includes a refuse storage area / bin cage adjacent the loading bay which provides a secure storage area.

In terms of collection / disposal of waste, this would typically also be segregated. Firstly, all cardboard would be baled within the store and typically returned to the relevant Regional Distribution Centre (via delivery vehicles return journey) for collection and removal to an approved recycling centre.

General waste and other write offs would typically be collected on a regular basis by a general licensed waste collector (1-2 collections per week). 'Cat 3' (Meat / Chilled Food Waste) would typically be collected twice weekly by a specialist licensed food waste collector.

### 3.15 Deposit & Return Scheme

We also note that Lidl propose to incorporate a 'Deposit and Return Scheme' or 'reverse vending machine' service at this store (for plastic beverage bottles and aluminium cans), as part of a nationwide trial by Lidl (the first national retailer to do so) of a new approach to recycling.

For example, the machines will aim to redirect 1,500 tonnes of plastic annually that can then be manufactured into new products.

The proposed Deposit and Return Scheme (DRS) concept follows on from National Waste Policy, *A Waste Action Plan for a Circular Economy* for the period 2020-2025, published by the Department of Communications, Climate Action and Environment in September 2020.

The Plan states for instance that the introduction of DRS infrastructure is a key objective, and that "*in delivering this, we will work closely with the food and drink industries, retailers, waste collectors and treatment facilities, and our colleagues in Northern Ireland.*"

The Government also have published *Deposit Return Scheme Consultation Document on Potential Models for Ireland* in October 2020, which outlines the concept in detail:

*"Deposit and return schemes have been around for decades and were originally designed by the beverage industry as a way of ensuring the return of bottles to be washed, refilled and resold. In Ireland, some people will recognise this as a system that was previously used to ensure that milk and soft drinks bottles were returned for reuse.*

*A DRS for beverage containers therefore involves the application of a refundable deposit to incentivise consumers to return their beverage containers for recycling or reuse. While the primary function of a DRS is to increase recycling rates and support the circular economy (by keeping materials in productive use and securing the resource value of existing materials and reducing demand for new materials), in some countries they have also been shown to assist in the reduction of littering of beverage containers."*

Lidl are the first national retailer to have introduced the first DRS, with the facility being launched in September 2021 at Lidl Glenageary, in Dublin. Lidl are currently in the process of rolling out the facility to other existing stores and stores that are under construction (including Claremorris, Co. Mayo in May 2022).

We note as follows the general process involved in the DRS facility:

- The machines are simple to use and will accept both plastic PET drinks bottles and aluminium cans;
- For every unit deposited a customer will receive a €0.10 voucher in return with a maximum voucher limit of €2; and,
- The machine can collect and process up to 17,000 units a week.

### Plate 8: Deposit Return Scheme Machine



Source: Lidl Ireland GmbH

In terms of the implications in store and to operations on site, we note that the customer interaction with the 'vending machines' will be limited, with an interface area provided at the store entrance which will accept the waste, which will be stored in the 'DRS Room' to the rear of the interface.

Waste will be stored in containers in the DRS room, and periodically decanted to the warehouse area for storage pending collection, which will be via delivery vehicles which will transfer the waste to the Lidl Regional Distribution Centre (RDC) that serves the store (Newbridge RDC in this instance).

In this regard the DRS facility will not generate additional traffic or HGV movements, rather will make use of the existing logistics infrastructure that would otherwise service the store. Accumulated waste from all stores in the region will thereafter be transferred to the next stage of the recycling process. Lidl waste management operations already involved an element of waste product returns to the RDC's hence the addition of the DRS facility will not materially alter this pattern.

### 3.16 Environment & Ecology

We refer to the enclosed Screening Report for Appropriate Assessment commissioned by the Applicant in respect of the proposed development and the potential for impacts on Designated Sites arising from the proposed development.

An ecological assessment is also enclosed which concludes that the proposed development would not lead to any material impacts on the area, including the Burgage Plots.

As noted in the enclosed reports, the proposed development is not anticipated to have any material environmental or ecological impacts.

As highlighted previously, the design team have sought to progress the design and layout of the scheme whilst preserving the existing features of the site including the Eastern and Western boundaries in particular.

#### 4.0 DOCUMENTS SUBMITTED AS PART OF THIS APPLICATION

##### 4.1 Planning Application Fee

Payment for the sum of €8,999.60 is supplied in accordance with Schedule 9 of the *Planning & Development Regulations, 2001-2022*. This is calculated as follows:

Fee Class (as per Schedule 9)	Rate	Quantum	Amount
4 - Lidl Building	€3.60	2,207	€7,945.20
4 - Retail / Café Unit (Building C)	€3.60	118	€424.80
4 - Retail Unit Extension (Building D)	€3.60	21	€75.60
4 - Retail Unit Change of Use (Building D)	€3.60	40	€144.00
9 - Free Standing Signage	€20.00	15	€300.00
13 - Miscellaneous / Demolition (incl. Substation)	€10.00	11	€110.00
<b>Total</b>			<b>€8,999.60</b>

##### 4.2 Planning Application Form & Notices (1 no. copy)

We also enclose the following:

- Completed South Dublin County Council Planning Application Form, signed and dated Wednesday, 20<sup>th</sup> July 2022.
- A copy of the page of The Irish Daily Star, dated Wednesday, 20<sup>th</sup> July 2022, in which the Notice has been published pursuant to Article 17(1)(a) of the *Planning & Development Regulations, 2001-2022*.
- A copy of the Site Notice, which has been erected on site pursuant to article 17(1) (b) of the *Planning & Development Regulations, 2001-2022* on Thursday, 21<sup>st</sup> July 2022.

##### 4.3 Drawings & Additional Documentation Submitted with the Planning Application (10 no. Copies)

- Architectural Drawings and Ordnance Survey Site Location Map;
- Architectural Design Statement;
- Tree Report;
- Engineering / Drainage Drawings & Calculations;
- Construction & Environmental Management Plan;
- Preliminary Operations Waste Management Plan
- Traffic Assessment;
- Road Safety Audit;
- Screening for Appropriate Assessment & Ecological Assessment;
- Flood Risk Assessment;
- Mechanical & Electrical & Lighting Drawings;
- Lighting Assessment;
- Architectural Heritage Impact Assessment;
- Archaeological Assessment;
- Noise Assessment;
- Glint & Glare Assessment; and,
- Retail Impact Assessment.

## 5.0 CONCLUSION

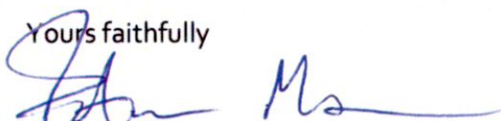
We trust that you will find this planning application and its respective documentation in order and we look forward to receipt of an acknowledgement at your earliest convenience. The proposed development is considered to be acceptable and compatible in terms of retail policies, and the zoning and development strategy for the subject site and the town of Newcastle. We also submit:

- The proposed development will generate economic benefits in terms of capital outlay and long term employment generation;
- The design and layout of the scheme will enhance the site and surrounding area, giving effect to numerous town centre and urban regeneration objectives of the local Planning Authority whilst preserving (and safeguarding into the long term) features of interest on site, reversing somewhat of a pattern of decline;
- The scale of retail sales area is proportionate to the demand / need for additional floorspace and choice in the local area and specifically within the 'Level 4' role of Newcastle in the County Retail Strategy, as affirmed in the recently adopted County Development Plan;
- The scale of retail sales area, in combination with existing / under construction retail floorspace, is also proportionate to numerous similar Level 4 centres throughout the Greater Dublin Area, all of which are subject to the same retail hierarchy policies and objectives;
- The proposed development would not lead to material retail impacts on any retail centres and is optimally located within the town centre in terms of the sequential approach;
- The proposed development will provide local competition within a walkable catchment, offering choice to customers in the area;
- The proposed development would not lead to material traffic / transportation impacts on the area; and,
- The proposed development will enhance the appearance of the existing site and fulfil Development and Local Area Plan policies and objectives for the area.

We therefore submit that the proposed development is in accordance with the proper planning and sustainable development of the area and should be permitted accordingly.

Please revert to us should you require further clarification in relation to any aspect of this application and we look forward to an early and favourable decision on this application.

Yours faithfully



**Fintan Morrin**

**Associate**

**The Planning Partnership**

