

The Planning Partnership
McHale Retail Park
Castlebar
Co. Mayo
F23 TD25

**PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 1183	Date of Decision: 19-Sep-2022
Register Reference: SD22A/0312	Registration Date: 26-Jul-2022

Applicant: Lidl Ireland GmbH

Development: 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. 2,207sq.m gross floor space with a net retail sales area of c. 1,410sq.m; Construction of a vehicular access point to Main Street Upper and associated works to carriageway and including partial removal of boundary wall / facade, 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 Y9H7) 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 /cafe unit on an extended footprint measuring c. 118sq.m and associated alterations to existing Main Street boundary facade; 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. 61sq.m; Repair and renewal of existing Western and Eastern burgage plot tree and hedgerow site boundaries; 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.

Location: Main Street Upper, Newcastle, Co Dublin

Application Type: Permission

Dear Sir /Madam,

With reference to your planning application, received on 26-Jul-2022 in connection with the above, I wish to inform you that before the application can be considered under Section 33 of the Planning & Development Act 2000, six copies of the following ADDITIONAL INFORMATION must be submitted.

1. The Applicant is requested to revise the design and layout of the proposed development, providing a complete set of site layout plan, floorplan, elevational, sectional and cross-sectional drawings to address the following:
 - (i) The provision of a pedestrian/cycle link running along the western boundary of the subject site in a north-south direction.
 - (ii) The implementation of a 10m setback from the watercourse along the western boundary.
 - (iii) Where possible eliminate the need for the removal of Burgage Plot boundary hedgerows.
 - (iv) Re-design the proposed boundary treatments to the eastern, western and southern boundaries to negate the need for invasive engineered solutions and the where possible eliminate or minimise the removal of Burgage Plot boundary hedgerows.
 - (v) If removal of sections of the Burgage Plot boundary hedgerows is necessary to provide links to adjacent lands, their location should be selected to minimise the impact on the Ecology and Green Infrastructure Network of the subject site. The Applicant should also outline appropriate mitigation measures to offset any hedgerow loss.
 - (vi) Clarify the design intention for the strip of land running along the southern boundary of the subject site annotated as 'minor grading of ground levels'.
 - (vii) Omit the proposed steps linking the subject site to the lands to the south and propose a more appropriate alternative solution to navigate the level change in a universally accessible manner.
 - (viii) Propose an appropriate lighting design solution which protects the key commuting route for bats along the western boundary and provides a pedestrian/cycle route through the subject site which is appropriately lit.
 - (viii) The omission of the proposed totem sign and its replacement with signage more appropriate to the subject site's location within an Architectural Conservation Area. In providing amended drawings, the Applicant should also have regard to the amendments required by other items within this request for Additional Information.
2. The Applicant is requested to provide a revised lighting layout plan and lighting impact assessment report to reflect the amendments applied to the Site Layout Plan and to ensure the lighting design is sensitive to the presence of foraging and commuting bats, including the known bat commuting route along the western boundary.

The revised lighting layout should be assessed by an appropriately qualified bat expert, providing a comprehensive bat survey and assessment of the amended lighting design. The Applicant should engage with the Public Lighting Department, Parks and Public Realm Department and Heritage Officer of South Dublin County Council prior to the submission of a revised lighting layout.

3. The Applicant is requested to provide a revised Site Layout Plan demonstrating the following:
 - (i) The addition of a Toucan Crossing on Athgoe Road at the raised table ramp to improve access for vulnerable pedestrians at the proposed development.
 - (ii) The provision of space for additional bicycle parking should it become necessary to provide them.
4. The applicant shall revise the location of discharging surface water to a surface water system east of site. Prior to submission of a revised report and surface water drawing, contact the Drainage and Water Services Department of South Dublin County Council to discuss the options available regarding discharge point location. Arrange to meet the Drainage and Water Services Department of South Dublin County Council on site to assess existing and potential surface water drainage on and adjacent to site.
5. The Applicant shall provide revised drainage and water services layout, sectional and cross-sectional drawings showing:
 - (i) A SuDS proposal that complies with SDCC SuDS Explanatory Design and Evaluation Guide, the Newcastle LAP and SDCC County Development Plan 2022-2028.
 - (ii) The SuDS proposals should be a collaboration between landscape architect and the drainage engineer to integrate the SuDS into the landscape design proposals providing amenity, biodiversity, water quality treatment as well as quality and attenuation.
 - (iii) Plans showing existing and proposed flows.
 - (iv) Investigate the use of existing natural swales, ditches and hedges/burgage boundaries to be retained as part of the overall SuDS network to comply with objective GI15 of the County Development Plan and Objective BS2 of Newcastle Local Area Plan (Burgage boundaries be utilised wherever necessary as SuDS elements in the form of swales for conveying water, landscape features and biodiversity-protecting elements.)
 - (v) Details on how each SuDS component function as part of the overall treatment train.
 - (vi) Demonstrate the biodiversity, amenity, water quality and attenuation value of all SuDS features including proposals for integrating the existing ditch to the northwest.
 - (vii) Any proposed swales should be used for attenuation as well as conveyance of overland flow. They should also have an amenity and biodiversity value.
 - (viii) A comprehensive SuDS Management Plan shall be submitted to demonstrate that the proposed SuDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.
 - (ix) Additional natural SuDS features shall be incorporated into the proposed drainage system for the development such as SuDS Street Tree Pits, further swales, rain gardens, detention basins, filter drains, etc.
 - (x) Demonstrate how the proposed natural SuDS features will be incorporated and work within the drainage and landscape design for the proposed development.
 - (xi) A 10m setback from the top of the bank from the watercourse along the western boundary.
 - (xii) Examine the potential for daylighting the culverted watercourse and spring.
 - (xiii) The existing ditch/watercourse along the western boundary identified in the ecological report

should be investigated for use in sustainable drainage measures, as required by the Newcastle Local Area Plan. The applicant is recommended to contact the Public Realm and Water and Drainage Department and the Drainage and Water Services Department of South Dublin County Council to discuss prior to responding to the request for Additional Information.

6. The Applicant is requested to complete the Green Space Factor Worksheet as outlined in GI5 Objective 4 of the Development Plan and provide a detailed Green Infrastructure Plan for the subject site indicating the following:
 - (i) Robustly evaluate the wider value of the biodiversity across the site, highlighting the retention and enhancement of existing features including, but not restricted to, the existing hedgerow, trees, the associated ditch/watercourse, and the active spring.
 - (ii) Incorporate more extensive SuDS measures to address surface water management on site, and identify biodiversity benefits from these measures. Such SuDS measures are to include additional proposals for swales, green roofs and green or living walls, which will also assist in mitigating for the loss of biodiversity arising from the proposal
 - (iii) Re-evaluate the impact on local bat populations in the context of known roosts in surrounding properties, and propose robust avoidance and mitigation measures for potential impacts on these protected species, including an appropriate lighting layout along the western boundary.
 - (iv) Propose alternative locations for, or the removal of, the proposed carparking spaces along the western boundary away from the line of the boundary hedge which is a burgage plot boundary of heritage and biodiversity significance.
 - (v) Provide a revised lighting layout plan and lighting impact assessment report to reflect the amendments applied to the Site Layout Plan and to ensure the lighting design is sensitive to the presence of foraging and commuting bats, including the known bat commuting route along the western boundary.
 - (vi) Show the retention and enhancement of a riparian corridor along the western boundary of not less than 10m to provide a buffer to the wildlife corridor offered by this boundary
 - (vii) Indicate how the Green Infrastructure in the GI Plan will link into adjacent sites in an overall Green Infrastructure Strategy for Newcastle
 - (viii) Propose a revised landscaping plan where less soil area is sealed completely by development, and where the interesting soils of the site are appropriately reused and planted with suitable species so as to support greater ecological diversity across the site.

Prior to submission, the Green Infrastructure Plan should be coordinated with the Landscape Plan and Drainage and Water Services Layout. Prior to the submission of a response to the request for Additional Information, the Applicant should liaise with the Parks and Public Realm Department, the Drainage and Water Services Department and the Heritage Officer of South Dublin County Council.
7. The applicant is requested to provide a revised and fully detailed landscape plan with full works specification and a fully detailed planting plan that accords with the specifications and requirements of the Council's Public Realm Section. The landscape proposals shall include:
 - (i) Full works specification, that accords with the specifications and requirements of the Council's Public Realm Section.
 - (ii) Hard and soft landscape details including levels, sections and elevations, detailed design of SUDs features such as further permeable paving, green roof(s), swales, further rain gardens and integrated tree pits; utilisation of burgage hedgerow boundary and plaza area.
 - (iii) Planting plan clearly setting out the following:
 - (a) Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate

- (b) Implementation timetables.
- (c) Detailed proposals for the future maintenance/management of all landscaped areas
- (iv) Details of boundary treatments (Revise to where possible eliminate or minimise the need to remove Burgage boundary hedgerow for future links).
- (v) Planting and hardscape details for public open space to be detailed and agreed
- (vi) Details of tree planting pits to include SUDS bioretention features in urban trees pits
- (vii) Car parking shall be combined with regular tree planting and a high standard of kerbing and paving compliant with DMURS (2019). Street trees to be provided every 2 parallel or 5 perpendicular car park spaces to reduce the hard urban impact of the proposed development; for biodiversity; green infrastructure; air quality and sustainable water management.
- (viii) Detailed design of all other SUDS features such as swales, permeable paving, green roofs etc. Burgage boundaries to be utilised as SUDS elements in the form of swales for conveying water, landscape features and biodiversity-protecting elements.
- (ix) Details of Public Lighting and other underground services shall also be included on the landscape drawing to ensure that proposals are realistic, and planting is not precluded by the location of underground services and lighting and to ensure there is no adverse impact on the know route for commuting bats along the western boundary.

The revised Landscape Plan shall be coordinated with the Green Infrastructure Plan and the Drainage and Water Services Layout for the proposed development. Prior to the submission of a response to the request for Additional Information, the Applicant should liaise with the Parks and Public Realm Department, the Drainage and Water Services Department and Heritage Officer of South Dublin County Council.

8. The development encroaches on burgage (heritage) hedgerow along the western boundary and proposed to remove sections for future links. A 10m setback from the watercourse is required on the western boundary. This 10m riparian zone should incorporate native hedgerow planting to enhance the existing heritage hedgerow. The proposals should be revised to, where possible eliminate or at the very least minimise the need to remove Burgage boundary hedgerow for future links. The Applicant is requested to provide revised site layout plan, plan, elevational and sectional drawings accordingly.
9. The Applicant is requested to submit proposals for daylighting the culverted spring and watercourse in accordance with SDCC Policy for sustainable water management and habitat connection. Prior to submission, the proposal should be coordinated with the Green Infrastructure Plan, Landscape Plan and Drainage and Water Services Layout. Prior to the submission of a response to the request for Additional Information, the Applicant should liaise with the Parks and Public Realm Department, the Drainage and Water Services Department and Heritage Officer of South Dublin County Council.
10. The Applicant is requested to provide an Archaeological Impact Assessment (including Archaeological Test Excavation) to be carried out as follows:
 - (i) The applicant is required to engage the services of a suitably qualified Archaeologist to carry out an Archaeological Impact Assessment (AIA) which should include a programme of Archaeological Test Excavation to respond to this request for Additional Information. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
 - (ii) The archaeologist shall inspect the proposed development site (PDS) and detail the historical and archaeological background of the site (consulting appropriate documentary sources), and review all cartographic sources and aerial photographs for the area.
 - (iii) The Archaeological Test Excavation must be carried out under licence from NMS and in

accordance with an approved method statement; note a period of 5-6 weeks should be allowed to facilitate processing and approval of the licence application and method statement.

(iv) Test trenches shall be excavated at locations chosen by the archaeologist, having consulted the site drawings and the results of the Archaeological Geophysical Survey that was carried out under Licence No. 18R0042. Excavation is to take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall stop works pending further advice from NMS. Please note that all features/archaeological surfaces within the test trenches are to be hand-cleaned and clearly visible for photographic purposes.

(v) Having completed the work, the archaeologist shall submit a written report to NMS and the Local Authority describing the findings of the AIA including the results of the geophysical survey and test excavations. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, service trenches and other sub-surface works required for the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections, etc.

(vi) Where archaeological material is shown to be present, further mitigation measures will be required; these may include refusal, redesign to allow for preservation in situ, excavation and/or monitoring as deemed appropriate. NMS will advise the Local Authority with regard to these matters. No decision should be made on this application until NMS and the Local Authority have had the opportunity to fully evaluate the findings of the AIA.

11. The submitted Ecological Impact Assessment underestimates the significance of biodiversity on the site, particularly in the context of potential cumulative impact on ecology in Newcastle. While the Ecological Impact Assessment lists the relevant pertinent surrounding developments and plans, the report fails to adequately assess the actual cumulative impact on the ecology of the wider area arising from the cumulative impact from these developments. The cumulative impact on ecology on this site and in this area of Newcastle is not insignificant, and it has been under-assessed in this submission. No proposals for appropriate mitigation for this loss have been proposed in the material submitted.

The Applicant is requested to submit a revised Ecological Impact Assessment which provides an assessment of the cumulative impact on the ecology of the subject site, Newcastle and the surrounding area and outlining appropriate mitigation measures.

Prior to the submission of a response to the request for Additional Information, the Applicant should liaise with the Heritage Officer of South Dublin County Council.

12. It is noted that the documents submitted by the Applicant incorrectly state that the proposed development is not in proximity to sensitive bat locations. The village of Newcastle is a known site of importance for bats and, in particular, bat roosts. Bats are known to commute along linear landscape features such as hedgerows and tree lines. It appears that only a single dusk/emergence survey for bats was undertaken as part of this submission. This is considered to be insufficient survey effort to adequately assess bat usage of this site, particularly as it is in close proximity to known bat roosts. A more robust assessment of potential impact on local bat populations is required.

The Applicant is therefore requested to provide a detailed Bat Assessment Report carried out by an appropriately qualified Bat Expert.

Prior to the submission of a response to the request for Additional Information, the Applicant should liaise with the Heritage Officer of South Dublin County Council.

13. The Applicant is requested to provide an updated Noise Impact Assessment which takes into account the zoned lands to the east of the subject site which may be subject to future residential development, providing an assessment of the potential impact of the proposed plant, substation and any other potential noise resulting from the proposed development on the lands to the east and suggesting any mitigation measures which would protect the future development potential of these lands.

NOTE: The applicant should note that any submission made in response to the above will be examined and MAY be deemed to be SIGNIFICANT ADDITIONAL INFORMATION by the Planning Authority. In this event the applicant(s) will be subsequently notified and requested to publish a notice in an approved newspaper and erect or fix a site notice on the land or structure to which the further information relates and to submit copies of the both the newspaper and site notices to the Planning Authority in accordance with Article 35 (1) (a) and (b) of the Planning and Development Regulations 2001 (as amended).

Note: The applicant must submit the Further Information within **6 months** of the **date of decision**. If the information is not received within this period, the planning authority shall declare the application to be withdrawn.

Please ensure that your reply to this Request for Additional Information is accompanied by a covering letter marked "ADDITIONAL INFORMATION" and that the Planning Register Reference Number given above is quoted on the covering letter.

Signed on behalf of South Dublin County Council

Register Reference: SD22A/0312

Date: 21-Sep-2022

Yours faithfully,

Pamela Hughes
for **Senior Planner**