

PR/0364/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0312 **Application Date:** 26-Jul-2022
Submission Type: Clarification of **Registration Date:** 09-Mar-2023
Additional
Information

Correspondence Name and Address: The Planning Partnership McHale Retail Park,
Castlebar, Co. Mayo, F23 TD25

Proposed 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;

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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
Applicant Name: Lidl Ireland GmbH
Application Type: Permission

Description of Site and Surroundings

Site Description:

The subject site is located on the southern side of Main Street, Newcastle (R405) and is comprised of approximately 1.04 Ha of existing structures, brownfield and greenfield lands with a sloping topography rising from north to south. The site is bound to the north by Newcastle Main Street Upper, to the East by the national school (a Protected Structure, RPS No. 230), to the south by lands which are subject to a current Strategic Housing Development Application and to the west by greenfield lands, the other side of which lies a new residential development known as 'St. Finian's Way'.

The site contains a detached five bay two storey house which is a Protected Structure (RPS No. 229) referred to by the Applicant as the 'Kelly Estates building' owing to its current operation as the commercial premises for Kelly Estates, a timber shed structure, a prefabricated timber structure and 2 No. storey derelict townhouse building (NIAH Ref. 11212006) and a limestone rubble wall running along the northern boundary. The remainder of the site to the south of these structures is comprised of greenfield lands.

The site is located within the Newcastle Village Architectural Conservation Area and the administrative area of the Newcastle Local Area Plan. The eastern and western boundaries of the subject site include the historic Burgage Plot hedgerows as identified in the Newcastle Local Area Plan.

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Site Area:

Stated as 1.04 Ha.

Proposal

Permission is sought for the following:

- A single storey discount foodstore supermarket with ancillary off licence use with a mono-pitch roof profile with a maximum overall height of 6.74m. The proposed supermarket has an approximate gross floor area of 2,207 sq.m, of which approximately 1,410 sq.m is the retail sales area.
- Provision of a new vehicular access point onto Main Street Upper and associated works to the carriageway including the partial removal of the boundary wall/façade and modifications to the existing public realm and footpaths.
- Demolition of part of the existing rear single storey extension of the 'Kelly Estates' building (a Protected Structure RPS No. 229) and alterations to the remaining structure. There will be no modifications to the Protected Structure.
- Demolition of the detached single storey accommodation/residential structure and ancillary wall/fence to the rear of the Protected Structure.
- Demolition of the single storey stable building along Main Street Upper and construction of a single storey retail/café with a gross floor area of approximately 118 sq.m and associated alterations to the boundary treatment along Main Street Upper, to include an opening in the existing stone wall to provide a pedestrian entrance.
- Provision of a proposed entrance plaza area (approximately 93 sq. m) adjacent to the single storey retail/café unit.
- Renovation and Change of Use of the existing (vacant) two storey townhouse building along Main Street Upper to provide a retail/commercial unit with an approximate gross floor area of 61 sq.m.
- Provision of 93 No. car parking spaces, 40 No. cycle parking spaces (including 8 No. staff parking spaces) and pedestrian access routes to the southern and western site boundaries.
- Landscape works including, but not limited to the repair and renewal of the burgage plot hedgerows along the western and eastern site boundaries.
- Ancillary development including free standing and building mounted signage including a 6m free standing totem sign, a 2.8m high covered staff bicycle parking with 8 No. spaces, a covered trolley bay measuring approximately 9m in length, 4.3m in width and 2.9m high, plant and an ESB substation.
- All ancillary works above and below ground.

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Zoning

The northern portion of the subject site is zoned objective 'VC' for which the stated objective is *'to protect, improve and provide for the future development of village centres'*. The remainder of the subject site is zoned objective 'RES-N' to provide for new residential communities in accordance with approved area plans' in the South Dublin County Development Plan 2022-2028.

The subject site is located within the administrative area of the Newcastle Local Area Plan, which into effect in December 2012. On the 23rd of October 2017, by resolution, the Local Area

Plan was extended for further period (in accordance with Section 19 of the Planning and Development Act 2000, as amended). The Local Area Plan is due to expire in January 2023.

SEA Sensitivity Screening

Overlap is indicated with the following relevant environmental layers:

- Sites of Geological Interest.
- Newcastle Architectural Conservation Areas.
- Areas of Archaeological Potential.
- Protected Structures – RPS No. 229 (Detached five bay two storey house) and RPS No. 230 (Newcastle National School).
- Records of Monuments and Places – DU020-003 (Newcastle Village)

Consultations

Internal

Drainage and Water Services Department – Additional Information required.

Roads Department – Additional Information required.

Parks and Public Realm Department – Refusal Recommended.

Heritage Officer – Additional Information required.

Architectural Conservation Officer – No objection, subject to conditions.

External

Irish Water – No objection, subject to conditions.

Fáilte Ireland – No report received at time of writing this Report.

Heritage Council – No report received at time of writing this Report.

An Taisce – No objection, subject to appropriate assessment by the Planning Authority.

Arts Council – No report received at time of writing this Report.

HSE Environmental Health Officer – No report received at time of writing this Report.

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Submissions/Observations /Representations

Last date for submissions/observations – 29th August 2022.

A number of submissions/observations were received, with the key points summarised below:

- The proposed development would result in additional discharge to the existing surface water traversing the Old Glebe. It would be more appropriate for the proposed development to discharge to the new surface water sewer laid along Main Street Newcastle as part of a recent permission for a new residential development (SD18A/0363 / ABP Ref. 304908-19).
- The proposed development, when coupled with the retail floorspace permitted under SD20A/0037, would result in additional floorspace above the provision set out in the Newcastle Local Area Plan. The proposed development will undermine the existing and planned retail provision for Newcastle.
- There is insufficient population and demand to serve the proposed development.
- The proposed development is entirely inconsistent with the provisions of the Newcastle Local Area Plan and the South Dublin County Development Plan 2022-2028.
- The proposed development does not accord with Objective BF1 of the Newcastle Local Area Plan as it would break up the building line along Main Street, Newcastle creating an undesirable building line not in keeping with the surrounding area.
- The removal of existing hedgerows and burgage plots is contrary to the Newcastle Local Area Plan, which seeks the retention, incorporation and reinstatement of the existing burgage plot boundaries associated with Newcastle.
- It is proposed to discharge stormwater into a drainage ditch which carries freshwater supply to the pond at the Old Glebe. The proposed development does not appear to take account of the new surface water sewer laid along Main Street Newcastle as part of a recent permission for a new residential development (SD18A/0363 / ABP Ref. 304908-19). The Applicant has failed to set out mitigation measures to protect the freshwater supply to the pond to the rear of the Old Glebe.

Relevant Planning History

Subject site

No recent relevant Planning History has been recorded for the subject site.

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Adjacent Sites

SHD3ABP-313814-22 - Newcastle, Newcastle South, Dublin 22, Dublin (to the south of the subject site)

A Strategic Housing Development Application for the Construction of 280 no. dwellings, a creche, and open space as follows:

- a) 128 no. 2 storey houses (8 no. 2 bedroom houses, 94 no. 3 bedroom houses, 25 no. 4 bedroom houses and 1 no. 5 bedroom house;
- b) 116 no. apartments in 2 no. 5 storey buildings comprising (54 no. 1 bedroom apartments & 62 no. 2 bedroom apartments, all with terrace or balcony along with solar panels and green roofs at roof level as well as telecommunications infrastructure comprising 9 no. support poles on ballast mounts (to accommodate 1No. 2m 2G/3G/4G antenna & 1No. 5G antenna each) & 3 no. poles on lift overrun (to accommodate 2No. Ø0.3m Microwave links each at roof level of Apartment building B, together with associated equipment and cabinets/shrouds);
- c) 36 no. apartments/duplex apartments in 3 no. 3 storey buildings – (18 no. 2 bedroom apartments and 18 no. 3 bedroom duplex apartments) all with terrace;
- d) Amendment to permitted Creche (c. 518sqm) in 'Graydon' (ABP References: TA06S.305343 & ABP-305343-19) to now provide a Creche of c. 778 sq. m of 2 no. storeys;
- e) Open space, hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle/bin stores and ESB substations;
- f) Vehicular access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing as well as provision of vehicular/pedestrian/cycle link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the east, as well as 423 no. car parking spaces and 370 no. bicycle spaces and all internal roads, cycleways, green routes and paths;
- g) Provision of Surface water attenuation measures and underground attenuation systems, connection to water supply, and provision of foul drainage infrastructure as well as underground local pumping station to Irish Water specifications and all ancillary site development/construction/landscaping works.

ABP Decision: Due by 5th October 2022.

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SD22A/0340 - Landmark Architectural Salvage & Granite Products, Main Street, Newcastle South, Newcastle, Co. Dublin (to the southeast of the subject site)

Erect a 24m telecommunications lattice structure together with antennas, dishes, headframe and associated telecommunications equipment enclosed by security fencing. **SDCC Decision:** Due 17th October 2022.

SD19A/0102 - The Old School House, Main Street Upper, Newcastle, Co. Dublin (to the east of the subject site)

Upgrade and change of use from National School to Pre-School (daytime) and Children's Therapy (evening sessions) and Youth Services (weekends); front signage; internal alterations and all associated ancillary site works. The proposed development consists of work to a Protected Structure located within an Architectural Conservation Area.

SDCC Decision: Grant Permission, subject to conditions.

SD18A/0363 - Main Street, Newcastle, Co. Dublin (to the west of the subject site)

(1) Construction of 22 three bedroom dwelling houses; (2) construction of access road and footpaths; (3) provision of car parking facilities to serve the development; (4) construction of a foul sewer network to serve the development which shall connect into adjoining foul sewer network; (5) construction of a surface water sewer network to serve the development including the provision of the necessary attenuation elements and the connection of the surface water network to the adjoining surface water network; (6) provision of a watermain to serve the development and connection to adjoining water main; (7) demolition of the garden sheds; (8) provision of all necessary utility services; (9) all ancillary site works.

SDCC Decision: Grant Permission, subject to conditions. The decision of South Dublin County Council was subject to a Third Party Appeal to An Bord Pleanála, **ABP Ref. 06S.24870.**

ABP Decision: Grant Permission, subject to conditions.

SD17A/0010 - Drumlonagher, Main Street, Newcastle, Co. Dublin. (To the north of the subject site)

(1) Construction of 21 no. 3 bedroom, two storey dwelling houses. (2) Construction of 2 no. 2 bedroom, two storey dwelling houses. (3) Construction of a two storey building with retail unit (convenience) at ground floor level and 2 no. 2 bedroom apartments and 2 no. 1 bedroom apartments at first floor level with a total ground and first floor area of 771sq.m. (4) Construction of a 2 storey corner building with 2 retail units (cafe and convenience) at ground floor level with 1 no. 2 bedroom apartment and 1 no. 1 bedroom apartment at first floor level with a total ground and first floor area of 303sq.m. (5) Construction of a 2m high boundary wall to East and west boundaries and 1.8m high concrete post and timber panel fences between the dwellings. (6) Construction of a Market Square to serve the proposed development and local area. (7) Construction of proposed access road and footpaths. (8) Provision of car parking facilities to serve the proposed development. (9) Construction of a foul sewer network to serve the proposed development which shall connect into the existing adjoining foul sewer network.

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(10) Construction of a surface water sewer network to serve the proposed development including for the provision of the necessary attenuation elements and for the connection of the surface water network to the existing adjoining surface water network. (11) Provision of a watermain to serve the proposed development and connection to existing adjoining watermain. (12) Provision of necessary utility services. (13) All signage provisions for the proposed commercial buildings and place name for the proposed development and (14) all ancillary site works.

SDCC Decision: Grant Permission, subject to conditions. The decision of South Dublin County Council was subject to a Third Party Appeal to An Bord Pleanála, **ABP Ref. 06S.24870.**

ABP Decision: Grant Permission, subject to conditions.

Other relevant Planning History

SD20A/0037 - Main Street, Newcastle, Co. Dublin

Demolition of 3 existing structures on site (total c.226sq.m) comprising of 1 habitable house and 2 associated outbuildings/sheds (permitted under Ref. ABP-305343-19), and the construction of 1 double storey (c.9.2m overall height) retail development in the form of a convenience supermarket (GFA c.1,759sq.m); 1 two storey mixed-use building (c.10.7m overall height) comprising of a café (c.225sq.m) at ground floor and a community centre at the first floor (c.140sq.m) with associated ground floor access (total GFA c.468sq.m); an ESB sub-station (c.22sq.m); the anchor supermarket unit will provide for a net retail sales area of c.1,222sq.m; a warehouse of c.200sq.m; welfare area of c.190sq.m including ancillary office accommodation; a delivery and loading dock; service yard; customer lobby and wc and entrance lobby; the development shall also provide for 98 car parking spaces and 50 bicycle parking spaces; advertising structures and signage (totalling c.81sq.m); new pedestrian and cyclist connections; public realm areas; refuse storage; a trolley shelter; new priority controlled junction at Main Street; a new access road and shared pedestrian/cyclist greenlink from Main Street (permitted under Ref. ABP-305343-19); vehicular entrances to the surface car park and service yard; all associated site development, site services and landscape works at Lands at Main Street, Newcastle, Co. Dublin, bordered by Main Street to the north, Orchard Grove to the east, greenfield land to the south and residential properties fronting Main Street to the west (new road will be adjacent to 1 Main Street, Newcastle, Co. Dublin.)

SDCC Decision: Grant Permission, subject to conditions.

Relevant Enforcement History

None recorded.

Pre-Planning Consultation

PP024/22- A pre planning meeting was held on 11th April 2022.

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Relevant Policy in South Dublin County Development Plan 2022-2028

Policy CS1: Strategic Development Areas

Section 2.6.1 Land Capacity Study

Land Capacity Sites

Section 2.6.5 Core Strategy – 2022-2028 Development Plan

Section 2.7 Settlement Strategy

Policy CS6: Settlement Strategy - Strategic Planning Principles

Section 2.7.2 Self-Sustaining Growth Towns / Self-Sustaining Town

Policy CS9: Newcastle

Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels.

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 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.

CS9 Objective 4:

To facilitate and commit to the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS9 SLO1, SLO2, SLO3 and SLO4.

Policy NCBH1: Overarching

NCBH1 Objective 1

Policy NCBH2: Biodiversity

Policy NCBH3: Natura 2000 Sites

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

Policy NCBH11: Tree Preservation Orders and Other Tree / Hedgerow Protections

Policy NCB12: Geological Sites

Policy NCBH13: Archaeological Heritage

Policy NCBH14: Landscapes

Policy NCBH19: Protected Structures

Policy NCBH20: Architectural Conservation Areas

Policy E3: Energy Performance in Existing and New Buildings

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Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial, and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage, and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

GI5 Objective 4:

To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq.m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: *Implementation and Monitoring*, Section 12.4.2).

GI5 Objective 7:

To require the provision of green roofs and green walls, providing benefits for biodiversity and as an integrated part of Sustainable Drainage Systems (SuDS) and Green Infrastructure, in apartment, commercial, leisure and educational buildings, wherever possible and develop an evidence base for specific green roof requirements as part of the Council's ongoing SuDS strategy development.

Chapter 5 Quality Design and Healthy Placemaking

Section 5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

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QDP2 Objective 1:

To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.

Section 5.2.2 Context

Policy QDP3: Neighbourhood Context

Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

QDP3 Objective 1:

To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located taking into consideration the provisions set out in Chapters 3 and 4 of this Plan and having regard to the requirements set out in Chapter 12: Implementation and Monitoring in relation to design statements.

Section 5.2.3 Healthy Placemaking

QDP4 Objective 2:

To promote a high standard of building and urban design, creating public spaces that are distinctive, safe, universally accessible and facilitate social and cultural diversity and interaction.

5.2.6 High Quality and Inclusive Development

QDP7 Objective 6:

To ensure that development provides an integrated and balanced approach to movement, healthy placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2019).

QDP7 Objective 7:

To ensure that all proposals for development contribute positively to providing a coherent enclosure of streets and public spaces, taking into consideration the proportions and activities of buildings on both sides of a street or surrounding a public space, providing for good standards of daylight and sunlight, and micro climatic conditions and having regard to the guidance and principles set out in the South Dublin County's Building Height and Density Guide and the Design Manual for Urban Streets and Roads (DMURS) (2019).

QDP7 Objective 8:

To promote and support a Universal Design Approach to residential and non-residential development – having regard in particular to the universal design principles and guidance in relation to Buildings for Everyone, Housing and Shared Space as promoted by the Centre for

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Excellence in Universal Design at the National Disability Authority – ensuring that all environments are inclusive and can be used to the fullest extent possible by all users regardless of age, ability or disability consistent with RPO 9.12 and 9.13 of the RSES. (See also Chapter 8: Community Infrastructure and Open Space).

5.2.9 Materials, Colours and Textures

Policy QDP11: Materials, Colours and Textures

Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

QDP11 Objective 1:

To require the use of high quality and durable materials and finishes that make a positive contribution to placemaking.

QDP11 Objective 2:

To promote the use of structural materials that have low to zero embodied energy and CO2 emissions and ensure a wood-first policy on public buildings funded or part-funded by the Council.

QDP11 Objective 3:

To promote the reuse and recycling of materials to promote the circular economy and reduce construction and demolition waste.

Chapter 7 Sustainable Movement

Policy SM1: Overarching – Transport and Movement

SM2 Objective 15

To investigate the feasibility and potential opportunities for a cycle way and / or greenway linking Newcastle, Rathcoole, Hazelhatch and the Grand Canal.

Policy SM4: Strategic Road Network

7.7.2 New Street and Road Proposals

Table 7.5 Six Year Road Programme

Policy SM5: Street and Road Design

Policy SM6: Traffic and Transport Management

Policy SM7: Car Parking and EV Charging

Chapter 8 Community Infrastructure and Open Space

COS5 SLO 4:

To provide Newcastle Village with community areas and space to hold community events, a Village Plaza.

Chapter 9 Economic Development and Employment

Policy EDE1: Overarching

Support sustainable enterprise and employment growth in South Dublin County recognising the County's role in the Dublin region as a driver of economic growth.

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EDE1 Objective 6:

To ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions by supporting and promoting the following measures:

- An increase in employment densities within walkable distances of communities and on public transport routes;
- Promotion of walking and cycling and use of public transport through increased permeability and mobility management measures within and outside employment areas;
- The sourcing of power from district heating and renewables including wind, hydro and solar;
- Additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contribute to the green infrastructure network of the County and promote quality placemaking.

Section 9.2.1 Green and Innovative Economy

EDE3 Objective 5:

To promote, through good placemaking, the delivery of places and communities which encourage employers and workers alike to live in the County, closer to their workplaces, promoting more sustainable travel and a good quality of life.

9.2.2 Urban Growth, Regeneration and Placemaking

Policy EDE4:

Urban Growth, Regeneration and Placemaking Support urban growth and regeneration through the promotion of good placemaking to attract employees and employers and to provide a competitive advantage to the County and diverse investment opportunity.

EDE4 Objective 1:

To ensure that economic and employment development is located to optimise existing infrastructure and to support development and investment in the County's urban centres supporting orderly growth and placemaking.

Section 9.2.3 Building on Clusters

Policy EDE5: Building on Clusters

Support clustering, by creating, maintaining, or upgrading economic strongholds in a favourable business ecosystem.

Section 9.4 South Dublin County's Retail Strategy

Section 9.4.2 Retail Hierarchy

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Table 9.1: Retail Hierarchy for the Region – South Dublin County

Level 4 – Newcastle Village

Neighbourhood Centres, Local Centres-Small Towns and Villages

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.

Section 9.4.4 Additional Retail Floorspace and Sequential Growth

Policy EDE8: Retail – overarching

Seek to ensure adequate retail provision at suitable locations in the County, having regard to the sequential approach, and protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012, or any superseding guidelines) and EMRA RSES Retail Hierarchy.

EDE8 Objective 1:

To have regard to the Retail Planning Guidelines for Planning Authorities, DOECLG (2012) and the EMRA RSES Retail Hierarchy (or subsequent guidance) in defining the role of retail centres and in determining planning applications for retail development.

EDE8 Objective 3:

To support new retail provision in the County to meet the needs of the County's population and to direct new retail floor space into designated retail centres in accordance with the County Retail Hierarchy, so that centres can maintain and expand their retail offer.

EDE8 Objective 4:

To support the viability and vitality of the existing retail centres in the County, in particular in town, village and district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development.

EDE8 Objective 5:

To assess and monitor the vitality and viability of town, major retail, district, and village centres, having regard to retail trends that influence the performance of the sector.

EDE8 Objective 6:

To facilitate and provide for the refurbishment and replacement of obsolete floorspace and promote the use of vacant floorspace within our town, village and district centres taking account of the relevant zoning and placemaking objectives.

EDE8 Objective 7:

To consolidate the existing retail centres in the County and promote town, village, district centre and local centre vitality and viability through the application of a sequential approach to retail development.

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EDE8 Objective 8:

To direct new major retail floorspace in the County to designated centres at the appropriate level within the retail hierarchy, and to further direct major retail development in designated centres into the Core Retail Areas.

EDE8 Objective 9:

To support placemaking enhancements and upgrades to our villages and centres to create vibrant and attractive places for people and businesses.

EDE8 Objective 11:

To support the concept of Fairtrade within the County.

Section 9.5.5 Village Centres

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.

EDE13 Objective 2:

To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade.

EDE13 Objective 3:

To ensure high quality design standards and densities are used in traditional village centres, which are informed by the surrounding character of the area.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 11.8.2 Casement Aerodrome

11.8.6 Airport and Aerodrome – Noise

11.8.7 Public Safety Zones

Chapter 12 Implementation and Monitoring

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.3.5 Landscape Character Assessment

Table 12.17: Landscape Character Types

12.4.2 Green Infrastructure and Development Management

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- 12.5.1 Universal Design
- 12.5.2 Design Considerations and Statements
- 12.5.3 Density and Building Heights
- 12.5.4 Public Realm: (At the Site Level)
- 12.6.1 Mix of Dwelling Types
- 12.6.3 Unit Tenure
- 12.6.7 Residential Standards
- 12.6.8 Residential Consolidation
- 12.6.10 Public Open Space
- 12.7.1 Bicycle Parking / Storage Standards
- 12.7.2 Traffic and Transport Assessments
- 12.7.4 Car Parking Standards
- 12.7.5 Car Parking / Charging for Electric Vehicles (EVs)
- 12.7.6 Car Parking Design and Layout
- 12.8.4 Early Childhood Care and Education Facilities
- 12.10.1 Energy Performance in New Buildings
- 12.11.1 Water Management
- 12.11.3 Waste Management
- 12.11.4 Environmental Hazard Management

Newcastle Local Area Plan

Vision: “A village with a strong sense of identity that offers a good quality of life building upon its past. Where there is integration between existing and new developments through the creation of an intricate network of walkable streets that connect pedestrian and cyclist paths with important destinations, a beautiful village with quality useful spaces that realise and enhance the full potential of Newcastle’s rich natural and built heritage through the sensitive and considered incorporation of hedgerows, water features, burgage plots, townland and parish boundaries, archaeology, protected structures and recorded monuments, a developing village that sensitively addresses the contrast between existing and new elements and retains much of its existing character, whilst being a showcase for the sensitive expansion of an historic and nationally important settlement”.

Objective G17: Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South, and Commons Little) around Newcastle Village including their associated hedgerows and ditches.

Objective G18: Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation, and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site.

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Objective GI19: Require that burgage and townland field boundaries and ditches are utilised wherever possible as SUDS elements such as swales for conveying water; landscape features; and biodiversity-protecting elements.

Objective GI12:

To promote the sustainable collection and on-site retention of surface water for delayed discharge to the local water system and for use as an on-site resource and as a means of creating a biodiversity network that will retain and develop existing flora and fauna.

Objective GI14

That all development shall incorporate on site SUDS technologies detailed in the Standards Section (Section 7) of this Local Area Plan such as porous grass pavers, green roofs, rainwater recycling systems and soakaways.

Objective GI15

That existing natural swales, ditches and hedges shall be retained to form an integral part of the overall SUDS network.

Objective GI21

An Archaeological Assessment Report shall be submitted with all planning applications within the Zone of Archaeological Potential. All such reports shall fully assess the archaeological implications of the proposed development. Where archaeological features are discovered, it shall be demonstrated how the design and layout of the development protects, incorporates, and enhances these features.

Objective GI27

Ensure that all extensive development proposals maximise the opportunities for enhancement of existing ecology and biodiversity and are accompanied by a full ecological assessment, carried out by a suitably qualified professional, which includes measures to enhance ecology and biodiversity and avoid or minimise loss to local ecology and biodiversity.

Objective GI28

To require the submission of a Bat Survey as part of every planning application for development (excluding house extensions) within the Plan Lands and require the implementation of appropriate mitigation measures that ensure for the protection of bats and their habitats.

Objective GI29

To require the planting of mature native trees along both sides of streets located within the foraging and flight routes of bats in a manner that creates links between retained and augmented hedgerows and creates 'eco hop' opportunities across streets as detailed in Section 7 of this Plan.

Objective GI30

To encourage the planting of native species to reinforce the natural habitats of bats within Newcastle and its environs.

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Objective AM7

Planning applications for residential, commercial and employment development are required to provide for or integrate with direct, safe, and attractive pedestrian and cyclist routes to public transport stops especially bus stops along Main Street.

Objective LUD1

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 LUD2

That the preferred location for retail and service development along 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 LUD13

Development along Main Street (see Section 6) shall provide for community floorspace within or around the civic and historic/cultural nodes identified under this Plan using St Finian's Community Hall as a centre of focus. This should include for the relocation of 130 sq.m of community floorspace permitted as part of the Ballynakelly Development.

Objective BF1

Development shall present key building frontages to the street edge within the Village Core and Village Expansion areas in accordance with the requirements of this Local Area Plan. Landscape Frontages shall be presented to the street edge in the Settlement Edge. Active frontages should be promoted as much as possible especially along Main Street.

Objective BF8

New development shall be a maximum of two storeys in height with limited exceptions for buildings on landmark sites designated within the Village Core and Expansion Area where there is scope for landmark buildings to include elements that reach a maximum height of between 9 and 12 metres depending on location.

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Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Retail Planning Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (April 2012)

Retail Design Manual - A Good Practice Guide, Department of Arts, Heritage, and the Gaeltacht (2012)

Retail Strategy for the Greater Dublin Area 2008-2016, Dublin Regional Authority and Mid-East Regional Authority, (2008)

Regional Planning Guidelines for the Greater Dublin Area 2010- 2022

Waste Management Plan for the Dublin Region 2005-2010, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005)

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage, and Local Government, (2008)

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009).

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)

National Cycle Manual – National Transport Authority (June 2011)

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Assessment

The main issues for assessment relate to the following items:

- Zoning and Council policy.
- Retail Assessment.
- Design and Visual Impact.
- Heritage.
- Impact on Residential Amenity.
- Impact on Protected Structure.
- Lighting.
- Access and Parking.
- Drainage and Water Services.
- Green Infrastructure.
- Parks and Public Realm.
- Archaeology.
- Geology.
- Screening for Appropriate Assessment.
- Screening for Environmental Impact Assessment.

Zoning and Council Policy

The site is zoned objective 'VC' in the northern portion abutting Main Street Upper for which the stated objective is 'to protect, improve and provide for the future development of village centres', with the remainder of the site zoned 'RES-N' for which the stated objective is 'to provide for new residential communities in accordance with approved area plans' in the South Dublin County Development Plan 2022-2028.

According to Tables 12.3 and 12.7 of the Development Plan 'Shop-Neighbourhood', 'Restaurant/Café' and 'Offices less than 100 sq. m' are listed as 'Permitted in Principle' uses under the RES-N and VC zoning objectives.

In the interests of clarity, 'Shop-Neighbourhood' is defined in Appendix 6 of the Development Plan as follows:

'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'.
[Emphasis added]

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The principle of the proposed development of a discount foodstore with a net retail floorspace of approximately 1,410 sq.m, a retail/café unit (approximately 118 sq.m), the change of use of an existing townhouse to a retail/commercial use (approximately 61 sq.m) and all ancillary works is therefore considered acceptable, subject to compliance with the relevant policies, standards and requirements of the South Dublin County Development Plan 2022-2028 and the Newcastle Local Area Plan, an assessment of which will be outlined under the relevant headings of the forthcoming sections.

Retail Assessment

The Applicant has provided a Retail Impact Assessment in relation to the proposed development, which concludes that:

'The proposed development would not lead to significant or material retail impacts on Newcastle Town Centre, or surrounding centres.

In addition, the proposed development is a significant investment by a major multi-national retailer and would lead to economic benefits in terms of employment and enhancement of shopping facilities in the town, and lead to a more balanced convenience retail section providing for resident of the town and surrounds.

Encouraging competition and innovation would in our opinion have the potential to enhance the vitality and viability of Newcastle Town Centre, in turn improving footfall and encourage demand for non-convenience and/or non-retail services, which would likely ultimately lead to further commercial activity in the town'.

One of the submissions received in relation to the proposed development contends that the proposed development, when coupled with the retail floorspace permitted under SD20A/0037, would result in additional floorspace above the provision set out in the Newcastle Local Area Plan and that there is insufficient population and demand to serve the proposed development.

Policy EDE8 of the Development Plan sets out South Dublin County Council's overarching retail policy as follows:

'Seek to ensure adequate retail provision at suitable locations in the County, having regard to the sequential approach, and protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012, or any superseding guidelines) and EMRA RSES Retail Hierarchy'.

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In relation to the provision of new retail provision, EDE8 Objective 3 states that it is policy of the Council to:

'To support new retail provision in the County to meet the needs of the County's and to direct new retail floor space into designated retail centres in accordance with the County Retail Hierarchy, so that centres can maintain and expand their retail offer'.

EDE8 Objective 4 states that it is Council Policy to:

'To support the viability and vitality of the existing retail centres in the County, in particular in town, village and district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development'.

EDE8 Objective 9 sets out the Council's Policy in relation to enhancement of villages as follows:

'To support placemaking enhancements and upgrades to our villages and centres to create vibrant and attractive places for people and businesses'.

It is acknowledged that the addition of a discount foodstore would result in a retail floorspace within Newcastle village greater than that outlined in the Newcastle Local Area Plan.

Having regard to the projected population increase in Newcastle and the surrounding area and the relevant objectives within the Development Plan, the principle of a discount foodstore is acceptable to the Council. In this instance the policy and objectives of the Development Plan, which are supportive of an appropriate increase in retail offering, take precedence over the floorspace limit outlined in the Newcastle Local Area Plan.

As outlined in Table 2 of the Development Plan, which outlines the South Dublin County Urban, Rural and Settlement Populations recorded for 2006-2016, the population of Newcastle increased by approximately 105.4% during this period. The population of the area is projected to increase further, by an estimated 35% up to 2028 (Table 13 of the County Development Plan). In this regard, it is considered that the previous and projected population growth for Newcastle demonstrates that there is sufficient demand to support the additional retail offering proposed in this Planning Application.

It is considered that the proposal represents an appropriate increase in the retail offering of Newcastle Village, which would be commensurate to the needs of the growing population of the village and surrounding area.

The proposed development includes the refurbishment and change of use of a 2 No. storey townhouse, which is currently vacant and dilapidated, to provide a commercial/retail unit. The proposal also includes a retail/café unit in another structure which is presently vacant.

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It is considered that the proposal would enhance the streetscape along Main Street Upper, upgrading existing dilapidated buildings and increasing the activity and vibrancy of the village. It is important to ensure that the upgrading of these existing buildings is not secondary to the proposed discount foodstore. As such, should permission ultimately be granted for the proposed development, a **CONDITION** should be attached requiring the completion of these units prior to the occupation of the discount foodstore unit.

Design and Visual Impact

The design and potential visual impact of each element of the proposed development is assessed below in the context of the relevant policies and objectives of the South Dublin County Development Plan 2022-2028, the Newcastle Local Area Plan.

Site Layout

Whilst the principle of the proposed development is generally acceptable to the Planning Authority, a number of concerns arise in relation to the Site Layout which are outlined further below.

- The Newcastle Local Area Plan outlines a clear need for links between the main arterial street through Newcastle Village (Main Street Upper) and the surrounding lands. Whilst it is acknowledged that the proposed Site Layout demonstrates a pedestrian/cycle link connecting main street to the lands to the south and west of the subject site, it is considered that this route is awkward and convoluted, running through the car park and does not provide a high quality and usable link to the Main Street. In this regard, the Planning Authority considered that a more direct spine running along the western boundary in a north-south direction could be easily facilitated on site. Such a route would require less interaction between pedestrians/cyclists and vehicular traffic and thus would represent a safer and more efficient way of navigating through the site.

This re-design of the proposed pedestrian/cycle link would require a reconfiguration of the car parking layout, particularly along the western boundary. The Applicant could consider the provision of parallel spaces along this boundary, with a clear separation from the pedestrian/cycle route. However, in re-designing the layout, the Applicant should have regard to other concerns outlined below in relation to the impact on Burgage Plot hedgerows and bat routes.

- The proposed development would require the removal of Burgage Plot Hedgerows in a number of locations throughout the site. Although reference is made to the repair and renewal of these hedgerows, the plans and particulars do not clearly demonstrate this. It would appear that the proposed development would result in an unacceptable impact to the Burgage Plot Hedgerows. This would be in contravention of Objectives G17, G18 and G19 of the Newcastle Local Area Plan. The site layout should be revised to where possible eliminate the need to remove Burgage boundary hedgerow.

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If removal of sections of the hedgerow is required, the Applicant should minimise the hedgerow removal and provide details of proposed mitigation measures to minimise the impact on the Ecology of the subject site and surrounding lands and the Green Infrastructure Network. In revising the site layout, the Applicant should consider how the boundaries and ditches could be utilised as SUDS elements.

- The proposed Site Layout appears to utilise an existing ditch to discharge surface water from the subject site. The applicant shall revise the location of discharging surface water to a surface water system east of site. The capacity of the ditch should be investigated for use in sustainable drainage measures, as required by the Newcastle Local Area Plan. An opportunity is presented to enhance the watercourse and to up-lift the section of the pipe in the northern portion of the western boundary to facilitate an open watercourse which could form part of an overall Green Infrastructure Plan for the site.
- The proposed boundary treatment along the eastern, western and southern boundaries appears to require intrusive engineered solutions, which would be contrary to H12 Objective 2 of the Development Plan. As such, the Applicant should be requested to provide a more appropriate boundary treatment in these locations. In re-designing the boundary treatment, the Applicant should minimise or where possible eliminate the need to remove Burgage boundary hedgerow for future links. Whilst it is acknowledged that it is incumbent on the Applicant to identify appropriate locations for the provision of links to adjacent lands where the need to remove the Burgage Plot Hedgerows is either eliminated or minimised. If removal of sections of the hedgerow is required, the Applicant should provide details of proposed mitigation measures to minimise the impact on the Ecology of the subject site and surrounding lands and the Green Infrastructure Network. Prior to providing revised proposals for links to adjacent lands, the Applicant should liaise with the Parks and Public Realm Department and Heritage Officer of South Dublin County Council.
- The car parking areas have not been sufficiently broken up with planting such as trees incorporating SuDS bioretention. In revising the car parking layout, the Applicant should have regard to the concerns regarding the impact on Burgage Plot Hedgerows and the key route for commuting and foraging bats along the western boundary. It is recognised that there is a conflict between the Planning Authority's preference for a dark corridor along the key route for bats and the necessity to provide a safe and well-lit pedestrian/cycle connection along the boundary.

However, it is incumbent upon the Applicant to propose an appropriate 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.

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- Whilst the boundary treatment to the front along Main Street Upper is acceptable to the Planning Authority and would enhance the streetscape, concerns arise in relation the proposal to provide retaining walls with a 1.2m high fence on top to the southern and eastern boundaries and a retaining wall along the western boundary. H12 Objective 2 of the Development Plan outlines that invasive engineered solutions such as the proposed boundary treatments of the subject scheme should be avoided.
- The proposed steps to the link to the lands to the south of the subject site and are unacceptable to the Planning Authority. The Applicant should consider an alternative solution in this area.
- There is a strip of land along the southern boundary to the rear of the proposed retaining wall and 1.2m high fence which does not appear to have any detailed design on the Site Layout or Landscape Plan. The area in question is annotated are minor grading of ground levels. The Applicant should clarify the design intention for this area, where necessary co-ordinating the site layout with the owners of the lands to the south of the subject site. As outlined previously, the Applicant should avoid invasive engineered solutions to boundary treatments.
- The Proposed Site Layout Plan in its current form does not appear to be prejudicial to the future development potential of the lands directly adjoining the west of the subject site. In addressing the above outlined concerns in relation to the Site Layout, the Applicant should ensure that the future development potential of the adjacent lands is not adversely impacted.

The Applicant should be requested by way of **ADDITIONAL INFORMATION** to revise the design and Site Layout Plan for the proposed development to address the above outlined concerns.

Kelly Estates Building (Protected Structure)

The proposed works include the demolition of a single storey extension to the rear of the Kelly's Estates building (a Protected Structure) and the internal re-configuration of the layout. No works are proposed to the main building of the Protected Structure and there will be no change to the overall height and general appearance of the building, which is currently in operation as a commercial premises for Kelly's Estate Agents.

The potential impact of the proposed development on the Protected Structure is outlined under a separate heading in this Report. However, the Planning Authority consider the proposed works to the rear of the structure will not have an adverse impact on the visual character of the streetscape along Main Street Upper.

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Retail/Café Unit

The proposal includes the partial demolition of a dilapidated stables building and the provision of a single storey retail/café unit with an approximate gross floor area of 118 sq.m.

The proposed retail/café unit will have a pitched roof profile with an approximate ridge height of 5.25m, stepping down to a flat roof profile to the rear with an approximate height of 3.3m. The front elevation along Main Street Upper is comprised of a centrally located entrance door with 2 No. windows (one on either side) and a signage panel above the door. An existing ope in the boundary wall will be utilised as a pedestrian entrance, which according to the annotation will have gates but no detail is shown on the elevational drawings. The side (west) elevation contains attractive full height glazing to the pitched roof section of the building, with a louvred glazed connection to the modern single storey element which has full height glazing running the length of the elevation, with a metal fascia canopy with a centrally located signage panel above the entrance door.

The internal layout is comprised of a staff area, plant, toilet, storage and café floorspace. The proposal includes a public plaza of approximately 93 sq. m, which would improve the public realm within Newcastle Village in accordance with COS5 SLO4 of the County Development Plan and is welcomed by the Planning Authority.

The proposed retail/café unit is considered acceptable in principle and would enhance the village character and amenity in line with EDE8 Objective 9 of the County Development Plan, providing additional animation to the streetscape along Main Street Upper in line with QDP7 Objective 2 of the County Development Plan. However, as indicated throughout this Report, Additional Information is required in relation to the detailed design of the proposed unit, including details of the signage and the adoption of a site wide Green Infrastructure and Sustainable Urban Drainage Systems Plan, which could include permeable paving to the proposed public plaza.

Retail/Commercial Unit

The proposal includes the renovation and Change of Use of the existing (vacant) two storey townhouse building along Main Street Upper to provide a retail/commercial unit with an approximate gross floor area of 61 sq. m.

The proposed unit would be comprised of the pitched roof townhouse fronting onto Main Street Upper with an approximate ridge height of 7.3m and a centrally located entrance door with signage panel above, 2 No ground floor windows (one either side of the door) and 3 No. first floor windows.

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The unit also includes a single storey rear extension with a flat roof profile with an approximate height of 3.3m, the side (east) elevation of which includes an entrance door and high-level glazing, with similar high-level glazing applied to the western elevation. The internal layout of the proposed unit shown on the plans and particulars is comprised of a waiting area, reception, staff area and toilet within the townhouse building with a void above and a glazed connection to the single storey extension to the rear which contains a salon.

Similar to the retail/café unit the principle of the proposed renovation and change of use of the townhouse building is welcomed, as it will provide animation to the streetscape along Main Street Upper and enhance the vitality of Newcastle Village. However, little detail is provided in relation to the signage, hours of operation and the form and scale of extraction provided for the commercial kitchen within the proposed unit. If it is the case that the future occupier of the unit is not yet known, should the Planning Authority be minded to Grant Permission for the proposed development a **CONDITION** should be attached requiring details of the air extraction, signage and hours of operation to be provided prior to the commencement of development.

Single Storey Discount Foodstore Unit

A single storey discount foodstore supermarket with ancillary off licence use with a mono-pitch roof profile, sloping from west to east with an approximate maximum overall height of 6.74m sloping downwards to approximately 5m. The building has an approximate length of 69.9m with an approximate width of 31.9m. The roof includes a PV/Solar Panel array with an approximate area of 1,071 sq. m.

The proposed discount foodstore unit has an approximate gross floor area of 2,207 sq. m, with an internal layout comprised of an approximate 1,410 sq. m retail sales area, with remaining floor area comprised of an entrance lobby, customer lobby and toilet, freezer, chiller and DRS rooms, ancillary staff areas and facilities and a delivery and storage area.

The elevational treatment of the proposed discount foodstore unit can be summarised as follows:

- **Front (west) elevation** – A glazed entrance door in the north western corner with an internally illuminated logo signage (approximately 5 sq. m) above, 3 No. high level windows, 1 No. emergency exit door, 3 No. billboards and a ramped delivery dock with a roof overhang at the south western corner.
- **Side (northern) elevation** – Floor to ceiling glazing for the length of the elevation with 1 No. internally illuminated logo signage (approximately 5 sq. m).
- **Side (southern) elevation** – No glazing is provided to the southern elevation, with 2 No. emergency exit / delivery doors provided.
- **Rear (eastern) elevation** - High level glazing running almost the length of the elevation, with 1 No. emergency exit door.

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The design and layout of the proposed single storey discount foodstore unit is acceptable in principle. According to the plans and particulars provided by the Applicant, the single storey discount foodstore unit will not be visible from the streetscape along Main Street Upper. This is welcomed by the Planning Authority and, where possible, this element of the design should be retained when applying any changes to the layout and design required by the request for Additional Information.

Whilst it is acknowledged that the installation of PV Panels at roof level adheres to the relevant County Development Plan policy regarding Energy Performance of new buildings in Section 12.10.1 of the Development Plan. It is considered that an element of green roof could also be included as part of a Sustainable Urban Drainage Systems strategy for the overall site and to accord with GI5 Objective 7 of the Development Plan. In this regard the Applicant should be requested to provide a revised roof layout by way of **ADDITIONAL INFORMATION**. The content of the Glint and Glare Assessment provided by the Applicant is noted and the conclusion is accepted by the Planning Authority. In re-designing the roof layout to provide an element of green roof, the Applicant should provide an updated Glint and Glare Assessment for the remaining PV Panels. Should the Planning Authority be minded to Grant Permission for the proposed development, a **CONDITION** should be attached requiring the written agreement of the Irish Aviation Authority in relation to the PV Panel layout prior to the commencement of development.

Signage and Shopfront Design

The shopfront design of the proposed retail/café unit and retail unit fronting onto Main Street Upper appear to enhance the vibrancy and character of the streetscape, which is in accordance with QDP7 Objectives 2 and 4 of the Development Plan. However, further detail is required in relation to the design, composition and lighting of the proposed signage to these units to ensure that there is no adverse visual impact along Main Street Upper. It is acknowledged that the occupants of these units may not yet be known. As such, it is considered appropriate that, should the Planning Authority be minded to Grant Permission, a Condition should be attached requiring plans and particulars demonstrating the detailed design of the signage along Main Street Upper to be agreed in writing with the Planning Authority prior to the commencement of development.

The proposed development includes an internally illuminated totem sign, with an approximate overall height of 6m. In relation to signage within an Architectural Conservation Area the County Development Plan states that:

'All development works within ACAs should seek to limit, reduce and remove urban and visual clutter including building signage, traffic signage, bollards, utility boxes and other free-standing installations. In addition to the general requirements of this Development Plan, signage proposals within ACAs shall have regard to the requirements outlined in Chapter 12 of the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011).

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Any proposed new advertising signage should be of high quality and should visually respect the existing character of the ACA'.

Having regard to the subject site's location within the Newcastle Village Architectural Conservation Area, it is considered that the Applicant should be requested, by way of **ADDITIONAL INFORMATION**, to provide revised drawings showing the omission of the proposed totem sign and its replacement with signage more appropriate to the receiving context.

Any proposed new advertising signage should be of high quality and should visually respect the existing character of the ACA.

Impact on Residential Amenity

The site layout plan indicates that the single storey discount foodstore will be approximately 62m from the nearest residential dwellings to the west in St. Finian's Way and approximately 75m to the nearest residential dwellings within the proposed Strategic Housing Development currently under consideration to the south of the subject site. It is therefore considered that the proposed development is unlikely to result in an adverse impact to the amenity of residential dwellings in the vicinity of the subject site.

It is noted that there are lands to the east which, owing to their zoning, could be subject to future residential development. The proposed plant and substation for the single storey discount foodstore is located in close proximity to these lands. The Noise Impact Assessment provided by the Applicant does not provide an assessment of the potential impact of the plant on adjoining lands. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** 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 and suggesting any mitigation measures which would protect the future development potential of these lands.

Impact on Protected Structure

The subject site contains a Protected Structure in the form of a detached five bay 2 No. storey house (RPS No. 229). The lands directly adjoining the eastern boundary of the subject site contain the National School which is also a Protected Structure (RPS No. 230).

The proposed development includes the partial demolition and internal re-configuration of a rear single storey extension to the Protected Structure. No works are proposed to the main building of the Protected Structure, which is currently in operation as a commercial premises for Kelly's Estate Agents.

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A Report received from An Taisce has outlined the following commentary in relation to the potential impact of the proposed development on Protected Structures:

'We have examined the file and we wish to state that this application should be assessed with regard to impact on the amenity of the area and the relevant provisions of the South Dublin County Council Development Plan particular care being taken to see that the ambience of the Protected Structure is not affected by the works.'

The Report of the Architectural Conservation Officer concluded as follows:

'It is considered that the due to the set-back of the proposed Lidl store from the Main Street along with the retention of the existing vernacular townhouse structure, the historic elements and historic streetscape setting is not compromised. The overall development proposed does not cause any negative visual impact within the Architectural Conservation Area and its modern form and integration within the subject site allows the addition of a modern build in a sensitive manner.'

The Architectural Conservation Officer indicated no objection to the proposed development, subject to the following **CONDITIONS**:

1. *It is considered that a Method Statement should be submitted for agreement and approval detailing the proposed demolition of the rear extension to Kelly Estates (a Protected Structure RPS Ref. 229). The Method Statement should also provide;*
 - *A Schedule of Works and Methodology for the proposed work to the existing two-storey vernacular townhouse.*
 - *Proposed works to existing stone boundary walls to provide for new access points to Main Street Upper. Details should be included for the repair and making good of all original historic boundary walls adhering to best practice and using traditional method and materials.*
2. *Due to the Protected Structure (Kelly Estates RPS Ref. 229), the existing vernacular townhouse and boundary walls all of which provide architectural significance within the subject site a Safety Statement should also be included as part of the Method Statement detailing how the Protected Structures and existing historic elements will be protected during the proposed development.*

It is considered that the proposed development will not have an adverse impact on the existing character of the streetscape along Main Street Upper.

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Lighting

The Applicant has provided a Lighting Layout Plan and Lighting Impact Assessment Report in relation to the proposed development.

Having regard to the use of the Green Infrastructure Network on the subject site and surrounding area by foraging bats and the known bat roosts in the vicinity of the subject site, a significant arises in relation to the potential for the proposed lighting design to have an adverse ecological impact. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to review the lighting design and ensure it is sensitive to the presence of foraging and commuting bats. In particular a concern arises in relation to the installation of lighting along the western boundary, where there is a Burgage Plot Hedgerow, as this form part of a known bat commuting route.

It is incumbent upon the Applicant to propose an appropriate 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.

A comprehensive bat survey and assessment of the amended lighting design should be carried out by a suitably qualified bat expert. Prior to submitting 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.

Access and Parking

The Roads Department have assessed the proposed development and have indicated that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposal:

- The Applicant shall submit a revised layout of not less than 1:200 showing a Toucan Crossing on Athgoe Road at the raised table ramp to improve access for vulnerable pedestrians at the proposed development.
- The Applicant shall submit a revised layout of not less than 1:200 showing provision of space for additional bicycle parking should it become necessary to provide them.

Prior to providing the above outlined information, the Applicant should ensure that any further changes to the access and car parking arrangements required to address other Additional Information Items, are reflected in the revised Site Layout.

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Drainage and Water Services

The Drainage and Water Services Department have assessed the proposed development and indicated that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- (i) Water services are unclear of the suitability of discharging surface water at proposed location ditch show on drawing west of site. 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 water services in South Dublin County Council to discuss the options available regarding discharge point location. Arrange to meet water services of South Dublin County Council on site to assess existing and potential surface water drainage on and adjacent to site.

Irish Water have assessed the proposed development and indicated no objection, subject to standard conditions.

Green Infrastructure

Chapter 4 of the South Dublin County Development Plan 2022-2028 outlines the Council's Policies and Objectives in relation to Green Infrastructure, with the following overarching vision set out for the Chapter:

'Promotes the development of an integrated GI network for South Dublin working with and enhancing existing biodiversity and natural heritage, improving our resilience to climate change and enabling the role of GI in delivering sustainable communities to provide environmental, economic and social benefits'.

There are a number of Policies and Objectives contained within Chapter 4 of the Development Plan which are of particular relevance to the proposed development of this Planning Application:

GI1 Objective 1: *To establish a coherent, integrated, and evolving GI Network across South Dublin County with parks, open spaces, hedgerows, trees including public street trees and native mini woodlands (Miyawaki-Style), grasslands, protected areas and rivers and streams and other green and blue assets forming strategic links and to integrate and incorporate the objectives of the GI Strategy throughout all relevant land use plans and development in the County.*

GI1 Objective 4: *To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial, and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage, and enhance GI resources providing links to local and countywide GI networks.*

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NCBH11 Objective 4: To protect the hedgerows of the County, acknowledging their role as wildlife habitats, biodiversity corridors, links within the County's green infrastructure network, their visual amenity and landscape character value and their significance as demarcations of historic field patterns and townland boundaries.

GI5 Objective 4: *To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq. m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).*

GI5 Objective 7: *To require the provision of green roofs and green walls, providing benefits for biodiversity and as an integrated part of Sustainable Drainage Systems (SuDS) and Green Infrastructure, in apartment, commercial, leisure and educational buildings, wherever possible and develop an evidence base for specific green roof requirements as part of the Council's ongoing SuDS strategy development.*

The Applicant has not provided a clear Green Infrastructure Strategy for the subject site. Furthermore, the Applicant has not provided any information in relation to the Green Space Factor, which is a clear requirement for the proposed development in accordance with GI1 Objective 4, GI5 Objective 4 and Section 12.4.2 of the Development Plan.

Having regard to GI5 Objective 7 of the Development Plan, the proposed Green Infrastructure Strategy should include the provision of integrated Sustainable Urban Drainage Systems and Green Infrastructure, including the provision of green roofs and/or green walls. For example, the provision of a Green Roof to the single storey Discount Foodstore building would contribute towards the offset of the introduction of a significant amount of hardstanding to the subject site.

In considering the Green Infrastructure Strategy for the subject site, the Applicant should also have regard to use of the surrounding Green Infrastructure Network by foraging and commuting bats and the requirement to protect and enhance this network and that the current proposal would result in the clear fragmentation to the Green Infrastructure Network and the removal of sections of the Burgage Plot Hedgerows. As previously outlined in this Report, in re-designing the Site Layout for the proposed development, the Applicant should minimise or where possible eliminate the need to remove the Burgage Plot Hedgerows. If removal of hedgerows is required to facilitate links to the adjacent lands, appropriate mitigation measures should be included to minimise the impact on the Ecology of the subject site and surrounding lands and the Green Infrastructure Network.

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Prior to responding to the Additional Information Item requiring details of the Green Space Factor and Green Infrastructure Plan for the subject site, the Applicant should liaise with the Parks and Public Realm Department and the Drainage and Water Services Department of South Dublin County Council.

Parks and Public Realm

The Report of the Parks and Public Realm Department outlines the following concerns in relation to the proposed development:

1. *'Impacts of the proposed development on existing trees, hedgerows and local biodiversity.*

The development encroaches on burgage (heritage) hedgerow along the western boundary. At preplanning the applicant was advised by SDCC Water and Drainage to implement a 10m setback from the watercourse on the western boundary. A local spring and watercourse are to remain culverted, contrary to SDCC Policy for sustainable water management and habitat connection. The proposals remove sections of Burgage Hedgerow for future links, fragmenting Green Infrastructure.

2. *Ecological Impacts, particularly on bat commuting and foraging routes*

Green infrastructure is used for foraging bats and requires protection and enhancement. The bat survey is incomplete and has not taken into account the presence of known bat roosts to the north of the site. Lighting design should be sensitive to presence of foraging and commuting bats. A comprehensive bat survey and an assessment of the lighting design by a suitably qualified bat expert is required.

3. *Does not comply with SDCC GI Strategy*

A GI Strategy has not been provided showing GI on site and the local context. There are proposals to fragment Green Infrastructure by creating future links.

4. *Green Space Factor not provided.* *The applicant has not submitted any information in relation to the Green Space Factor. This is a requirement of the SDCC County Development Plan 2022-2028.*

5. *Does not comply with SDCC SuDS Guidelines and Sustainable Water Management Policy*

The proposed system is not SuDS compliant. The proposals are dominated by hard surfaces. The landscape has not been sufficiently used to manage surface water run-off close to source. SDCC advice is that 'underground tank systems should only be considered as a last resort'. The four pillars of SuDS: amenity, biodiversity, water treatment and attenuation have not been delivered, i.e., SuDS should be multifunctional'.

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The Report of the Parks and Public Realm Department indicates the permission should be Refused for the proposed development, if the above outlined concerns cannot be addressed by the Applicant.

In this regard, the Applicant should be afforded an opportunity to provide the following **ADDITIONAL INFORMATION** to facilitate a complete assessment of the proposed development:

'Arboricultural Impact of the Proposed Development

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 eliminate the need to remove Burgage boundary hedgerow for future links.

Sustainable Drainage Systems

SuDS have four pillars: attenuation, water quality treatment, amenity, and biodiversity and these have not been adequately provided. The landscape is dominated by hard surfaces. SuDS features appear to be restricted to permeable tarmac in to parking bays on northern part of the site only and just three small rainwater gardens. Hardstand car parking areas have not been sufficiently broken up with planting such as trees incorporating SuDS bioretention. There are no SuDS Tree Pits. A petrol interceptor is proposed. The latter is considered by our SuDS guide to be a source of contamination and not recommended. The proposals are lacking in source control such as further bioretention, SuDS Street trees, swales etc., that can be used for multifunctional benefit including attenuation.

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.

There are conflicts between the SuDS proposals shown on SDS Design Engineers Plan Ref 1025 PL.4 and the Austen Associates Landscape Plan Ref. 077622_LP_01.

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An attenuation tank is proposed. SDCC do not approve of using underground tanks as part of SuDS schemes where the full natural potential of the site to manage surface water runoff has not been explored. The following additional information is requested:

- 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.*

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xi. A 10m setback from the top of the bank from the watercourse along the western boundary.

xii. Proposals for daylighting the culverted watercourse and spring.

The applicant is recommended to contact the Public Realm and Water and Drainage Department to discuss.

Green Space Factor (GSF)

The applicant has not submitted any information in relation to the Green Space Factor.

The quantity and quality of green infrastructure provided by new development will be improved by the implementation of a Green Space Factor (GSF) for South Dublin. The GSF is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area. This measurement comprises a ratio that compares the amount of green space to the amount of impermeable 'grey' space in a subject site. As a planning tool, this ratio is used to assess both the existing green cover within a site and the impact of new development, based on the quantity and quality of new green space provided. Greening factors have been adopted and implemented across the UK, Europe, and the United States to help ensure that new development makes a positive contribution to the local environment. By ensuring that new development meets minimum standards for the provision of GI the GSF aims to secure a positive contribution to biodiversity, amenity, air quality, stormwater management, temperature regulation and other ecosystem services. The GSF prioritises the retention of existing GI features within a subject site, in order to support the protection of the County's existing GI network. At the same time, the GSF will ensure that new development incorporates new landscaping and GI features, contributing to the enhancement of the overall GI network. Chapter 12, section 12.4.2 provides further detail on the requirements for the GSF as part of planning applications.

Green Infrastructure

The submitted plans conflict with the County's Green Infrastructure Strategy. Please refer to Chapter 4 of the County Development Plan: [chapter-4-green-infrastructure.pdf](#) (sdcc.ie). The site lies close to the rural fringe primary green infrastructure corridor. In addition, a spring and watercourse are culverted beneath the site. Additional information is required to demonstrate how the plans contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, having regard to the following:

- i. In the case of small-scale developments this may consist of a simple landscape plan which includes objectives to protect or restore existing on site GI assets, provides for connection to local or primary GI corridors or includes elements which allow the site to act as a local stepping stone;*

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- ii. Where the development site is located within or close to a Core or Corridor the development should, at a minimum, protect any existing GI assets and enhance same (for example, not breaking a GI Corridor but enhancing same with a connecting piece of planting, retaining hedgerows or woodlands);*
- iii. The characteristics and assets of the proximate GI Core, Corridor or Steppingstone should be reflected within proposed development, for example continuation of hedgerows, tree planting, waterways;*
- iv. Development should seek to enhance or restore features that act as ecological corridors, particularly water features, hedgerows, tree lines, areas of un-cultivated land. These, or some element of them, should be incorporated into the proposed development to create pathways for wildlife and / or increase amenity value;*
- v. Development sites which are not located proximate to designated GI Cores or Corridors should identify the nearest designated GI Core, Corridor or Stepping Stone and make provision for GI interventions on the site which could eventually provide a link to local Stepping Stones, Cores or Corridors;*
- vi. Developers should be aware that ecological corridors can also act to quickly spread non-native invasive species. Therefore, identification and control of invasive species site should be included in planning applications and the GI Plan.*
- vii. All development proposals shall be accompanied by a Green Infrastructure Plan, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following:*
- viii. Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
- ix. Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
- x. Indicate how the development proposals link to and enhance the wider GI Network of the County;*
- xi. Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*

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xii. Submit proposals for daylighting the culverted spring and watercourse in accordance with SDCC Policy for sustainable water management and habitat connection.

Landscape Proposals

There are concerns with the lack of SuDS and integrated green infrastructure submitted in relation to the landscape scheme for the proposed development. The applicants landscape architect is requested to collaborate with the drainage engineer to integrate further above ground natural SuDS into the landscape design proposals i.e., that provide amenity, biodiversity, water quality treatment as well as quality and attenuation (multifunctional benefit). 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.*

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- 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.*

Prior to responding to the Additional Information Items outlined above, the Applicant should liaise with the Parks and Public Realm Department to ensure that all concerns have been addressed.

Archaeology

The Applicant has provided a report entitled *Archaeological Assessment Proposed Retail Store Development Site, Main Street, Newcastle, Co. Dublin* prepared by John Cronin and Associates. The Report noted that no recorded archaeological sites are located within the proposed development site and that Archaeological testing is proposed as the most appropriate and effective method to assess the archaeological potential of the overall site.

The National Monument Service of the Department of Housing Local Government and Heritage have provided a Report in relation to the proposed development, which concludes as follows:

'The NMS partially agrees with this recommendation. Given the high archaeological potential of the proposed development site, it is also recommended that the archaeological testing be informed by the geophysical survey that has previously been carried out in the southern greenfield area of the proposed development site under Licence No. 18R0042.

*Therefore, due to the location and scale of the proposed development and in line with national policy—see Section 3.6.2 of Frameworks and Principles for the Protection of the Archaeological Heritage 1999—the National Monuments Service (NMS), Department of Housing, Local Government and Heritage recommends that an **Archaeological Impact Assessment (including Archaeological Test Excavation)** be carried out as **Further Information**. A report containing the results of this assessment should be submitted to NMS and the Planning Authority prior to any planning decision so as to facilitate the formulation of an appropriate and informed archaeological recommendation.'*

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It is therefore recommended that the following **ADDITIONAL INFORMATION** be requested to facilitate a complete assessment of the potential Archaeological Impact of the proposed development, in the form of 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.

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Geology

The proposal does not involve the construction of a basement level and an appropriate level of excavation appears to be required for the construction of above ground structures.

However, it is noted that the proposed boundary treatment along the eastern, western and southern boundaries includes the provision of a retaining wall with a 1.2m fence on top. H12 Objective 2 of the Development Plan is of particular note:

'To avoid the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography.'

The proposed boundary treatment along the eastern, western and southern boundaries appears to require intrusive engineered solutions, which would be contrary to H12 Objective 2 of the Development Plan. As such, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to provide a more appropriate boundary treatment in these locations.

Heritage

The Heritage Officer of South Dublin County Council has indicated that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

Ecology

In general, it is considered that the submitted EcIA 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 current application proposes to remove almost all of the vegetation on the site, replacing it with extensive built environment. While the proposal includes for rain garden locations, very little replacement landscaping is proposed across the site, and that which is proposed will require time to mature to a point where it can support biodiversity.

The finding of the scarce plant *Anthyllis vulneraria* on site indicates the presence of an interesting soil type which could support species-rich grassland if managed appropriately. The re-use of this soil in an improved landscaping plan for the proposed development is advised.

The cumulative impact on ecology on this site and in this area of Newcastle is therefore 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. A Green Infrastructure Plan is required to address this.

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Bats

Bats, in particular, are an important protected species in the broader area of Newcastle. The Ecological Impact Assessment Report (EcIA) report as submitted is incorrect to 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.

The application site is situated directly across the road from Oakville House, a known bat roost. Also, the installation of bat boxes was required as a condition of planning for the nearby St. Finian's school. One of these bat boxes was inhabited by bats shortly after the completion of construction.

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.

SuDS

The EcIA and the overall application as proposed fails to recognise the value of the ditch/watercourse and the active spring in the context of mitigation for other proposed biodiversity losses on the site. An opportunity is presented to enhance the watercourse and to uplift the section of the pipe in the northern portion of the western boundary to facilitate an open watercourse which could form part of an overall Green Infrastructure Plan for the site.

In the context of the above, the following Additional Information is requested from the Applicant:

The applicant is requested to prepare a Green Infrastructure Plan for the site. This Plan is to be prepared by a qualified and experienced ecologist in conjunction with a landscape design team with experience in green infrastructure landscape plans. The Plan is to:

- 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 the removal or significant reduction of lighting along the western boundary.

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- 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 responding to the request for Additional Information, the Applicant should liaise with the Heritage Officer of South Dublin County Council to ensure that all concerns are adequately addressed.

Appropriate Assessment

The Applicant has provided an Appropriate Assessment Screening Report which has applied the appropriate methodology and found that significant effects are not likely to arise, either individually or in combination with other plans or projects to the Natura 2000 Network.

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An assessment of the potential impact of the proposed development on the Natura 2000 Network is outlined below:

Table 1: Description of the project and site characteristics

Planning File Reference	SD22A/0308
Brief description of the project	Single Storey Discount Foodstore with ancillary off-licence use, a single storey retail/café unit, renovation and change of use of an existing two storey townhouse building to provide a commercial retail unit and all ancillary works above and below ground.
Brief description of site characteristics	A combination of existing structures (including a Protected Structure) fronting onto Main Street Upper, Newcastle with brownfield and greenfield lands to the rear.
Application accompanied by a NIS Y/N	N

Table 2: Identification of European Sites which may be impacted by the project

European Site	List of Qualifying Interest/ Special Conservation Interest	Distance from proposed development (m/km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Glenasmole Valley SAC	3 Qualifying Interests CO001209.pdf (npws.ie)	9.6 km	No	No
Wicklow Mountains SAC	13 Qualifying Interests ConservationObjectives.rdl (npws.ie)	10.6 km	No	No
Wicklow Mountains SPA	2 Qualifying Interests - Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] CO004040.pdf (npws.ie)	14.1 km	No	No
South Dublin Bay SAC	4 Qualifying Interests ConservationObjectives.rdl (npws.ie)	19.6 km	Potential indirect hydrological pathway via	Yes

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			proposed foul and surface water networks.	
South Dublin Bay and River Tolka Estuary SPA	14 Qualifying Interests Conservation Objectives.rdl (npws.ie)	19.6 km	Potential indirect hydrological pathway via proposed foul and surface water networks.	Yes

Table 3: Assessment of Likely Significant Effects

Identify all potential direct and indirect impacts (alone or in combination) that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project:	
Likely Impacts	Possible Significance of Impacts (duration, magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	During the construction stage there is the potential for surface water runoff. However, the hydrological connection to the Dublin Bay sites is indirect and weak. The construction phase would not result in significant environmental impacts that could affect European Sites within the wider catchment area.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction 	Foul and surface water would ultimately lead to the Dublin Bay sites. Surface water would firstly be managed onsite as much as possible. The hydrological connections are indirect and weak, and the separation distance is significant, such that there is no real likelihood of any significant effects on European Sites in the wider catchment area.

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<ul style="list-style-type: none"> • Presence of people, vehicles and activities • Physical presence of structures (e.g., collision risks) • Potential for accidents or incidents 	
In-combination/Other	All extant developments are similarly served by urban drainage systems and the WWTP and have been screened out for appropriate assessment. No likely significant in-combination effects are identified.
Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
Yes	
No X	

Table 4: Screening Determination Statement

Assessment of significance of effects:		
Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.		
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • the nature and scale of the proposed development, • the intervening land uses and distance from European sites, • the lack of direct connections with regard to the Source-Pathway-Receptor model, <p>it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites’ conservation objectives. An appropriate assessment is not, therefore, required.</p>		
Conclusion:		
	Indicate (X)	Recommendation
It is clear that there is no likelihood of significant effects on a European site	X	The proposal can be screened out. Appropriate assessment not required.
It is uncertain whether the proposal will have a significant effect on a European site		Request further information to complete screening Request NIS Refuse permission

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Significant effects are likely		Request NIS Refuse permission
Completed by	Conor Doyle	
Date	15/09/2022	

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

Conclusion

The proposed development is acceptable in principle having regard to the zoning objective of the subject site and the policies and objectives of the South Dublin County Development Plan 2022-2028. However, significant **ADDITIONAL INFORMATION** is required in relation to a number of aspects of the proposed development, including but not limited to the design and layout, the drainage and water services infrastructure, the Green Infrastructure Network, and the level of impact of the proposal on the Burgage Plots and ecology. The Additional Information is requested to facilitate a complete assessment of the proposed development, to demonstrate compliance with the relevant policies and objectives of the Development Plan and Newcastle Local Area Plan and to ensure the proposed development is in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

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

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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.
 - ix) 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.
1. 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.

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2. 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.
3. 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.

4. 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/burrows 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 (Burrows 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.

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- (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. A 10m setback from the top of the bank from the watercourse along the western boundary.
- (xi) Examine the potential for daylighting the culverted watercourse and spring.
- (xii) 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.

5. 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.

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- (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.

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6. 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

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precluded by the location of underground services and lighting and to ensure there is no adverse impact on the known 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.

7. 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.
8. 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.

9. 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.

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- (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.
10. 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,

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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.

11. 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.

12. 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.

Additional Information

Additional Information was requested on 19th September 2022.

Additional Information was received on 2nd December 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

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Assessment

The following Additional Information was received from the Applicant on 2nd December 2022:

- Letter of Response prepared by the Planning Partnership dated 28th November 2022.
- Ecological Impact Assessment prepared by Altamar Marine and Environmental Consultancy.
- Appropriate Assessment Screening prepared by Altamar Marine and Environmental Consultancy.
- Archaeological Impact Assessment prepared by John Cronin & Associates.
- Architectural Drawings prepared by Darmody Architecture:
 - Drawing No. PA-001 – Proposed Site Plan.
 - Drawing No. PA-104 – Lidl Store Proposed Ground Floor Plan & Roof Plan.
 - Drawing No. PA-200 – Proposed Site Contextual Elevation and Site Sections.
 - Drawing No. PA-401 – Proposed Flag Pole.
 - Drawing No. PA-500 – Proposed Boundary Treatments Sheet 01 of 05.
 - Drawing No. PA-501 – Proposed Boundary Treatments Sheet 02 of 05.
 - Drawing No. PA-502 – Proposed Boundary Treatments Sheet 03 of 05.
 - Drawing No. PA-503 – Proposed Boundary Treatments Sheet 04 of 05.
 - Drawing No. PA-504 – Proposed Boundary Treatments Sheet 05 of 05.
- Traffic Note prepared by Stephen Reid Consulting.
- Letter of Response to Additional Information Item No. 13 prepared by CLV Consulting dated 3rd November 2022.
- Noise Impact Assessment prepared by CLV Consulting.
- Drawing No. 077622_GI_01 – Green Infrastructure Plan prepared by Austen Associates.
- Drawing No. 077622_GI_02 – Green Infrastructure Plan prepared by Austen Associates.
- Drawing No. 077622_TP_01 – Tree Protection Plan prepared by Austen Associates.
- Drawing No. 077622_TS_01 – Tree Survey Plan prepared by Austen Associates.
- Drawing No. 077622_DC_01 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622_DC_02 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622_DC_03 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622_DC_04 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622_DC_05 – Landscape Specification prepared by Austen Associates.
- Drawing No. 077622_DC_06 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622_LP_01 – Landscape Plan prepared by Austen Associates.
- Drawing No. 077622_LP_02 – Landscape Plan with overlap proposed infrastructures prepared by Austen Associates.
- Drawing No. 077622_PP_01 – Soft Landscape Plan prepared by Austen Associates.
- Burgage Plot Boundary Assessment prepared by Austen Associates.
- Tree and Vegetation Survey, Assessment, Management and Protection Measures prepared by Austen Associates.

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- Green Factor Calculator prepared by Austen Associates.
- Services Design Report prepared by SDS Design Engineers.
- SuDS Maintenance Plan prepared by SDS Design Engineers.
- Drawing No. 1025 – Site Layout Plan Showing Proposed Services prepared by SDS Design Engineers.
- Drawing No. 1026 – Site Layout Plan Showing Proposed Services Watermains prepared by SDS Design Engineers.
- Drawing No. 1027 – Site Layout Plan Showing HGV Tracking Details prepared by SDS Design Engineers.
- Drawing No. 1031 – Section through Retaining Wall at Rear of Lidl Store prepared by SDS Design Engineers.
- Drawing No. 1032 – Existing and Proposed Surface Water Flow Plans prepared by SDS Design Engineers.
- Letter from Lawler Consulting regarding Glint and Glare Assessment dated 10th November 2022.
- Lighting Impact Assessment Report prepared by Lawler Consulting.
- Drawing No. 5197-S100 – New Lidl Store Site Lighting Layout prepared by Lawler Consulting.
- Drawing No. 5197-SD100 – New Lidl Store Site Lighting & EV Duct Layout prepared by Lawler Consulting.

The Additional Information provided by the Applicant will be assessed below in the context of the 13 No. items of Additional Information requested by the Planning Authority on 19th September 2022:

Additional Information Item No. 1

- (i) The Applicant has revised the Site Layout to include a Pedestrian/Cycle link through the site, adjacent to the proposed discount foodstore building with an alternative ramped arrangement to navigate the level change to the south. The revised design does not provide a segregated Pedestrian/Cycle link through the site but would rather incorporate an at grade pedestrian priority link through the site. The revised ramp access to the rear of the site would involve the provision of a significant engineering structure to navigate the gradient change however the proposed design solution is considered to be well landscaped and provide a high quality link to both the proposed development and the village. Accordingly, the proposed pedestrian/cycle link is considered appropriate, and it is considered that, should the Planning Authority be minded to Grant Permission for the proposed development, appropriate **CONDITIONS** could be attached to prevent conflict between vehicles and pedestrians/cyclists and to ensure pedestrian/cyclist priority through the subject site.

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- (ii) The Applicant has indicated that, owing to the width of the subject site, the provision of a 10m setback would not be possible as it would render the scheme unviable. A landscape and ecological buffer have been provided along the western and eastern boundaries.

Although the Applicant states that the provision of a 10m buffer would render the scheme unviable, no evidence is provided of the consideration of an alternative site layout or design revisions to the proposed building to investigate the potential for the inclusion of an appropriate buffer. It is considered that in the interests of exploring all potential options for the provision of an appropriate buffer to the adjacent riparian corridor, **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought from the Applicant. In providing clarification, it is advised that the Applicant could arrange an on-site meeting with representatives from the Parks and Public Realm, Drainage and Water Services and Heritage Officer from the Planning Authority to establish whether there is a design approach which would be agreeable to all parties.

In addition, the Applicant should also be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** in the form of additional cross sections along the western boundary of the subject site, to facilitate a complete assessment of the relationship between the proposed development and the treatment of the Burgage Plot hedgerow, stream and associated ditch along the entire western boundary.

- (iii) The Applicant outlines that the scheme has sought minimal removal of Burgage Plot hedgerows, with removal proposed to provide permeability through the subject site. In addition, the Applicant states that removal is also sought to enhance existing gaps in the hedgerow.

In relation to the removal of Burgage Plot hedgerows, the Newcastle Local Area Plan outlines the following objectives:

'Objective G17: Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South and Commons Little) around Newcastle Village including their associated hedgerows and ditches.

Objective G18: Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site'.

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The Applicant's justification is noted, along with the Burgage Plot Boundary Assessment prepared by Austen Associates. The Applicant's intention to restore existing gaps in the Burgage Hedgerows and replace non-native species with native hedgerow planting is acceptable in principle. However, having regard to Objectives G17 and G18 of the Newcastle Local Area Plan and the sensitivity of the subject site by virtue of its ecological importance and the heritage significance of the Burgage Plot Hedgerow, **CLARIFICATION OF ADDITIONAL INFORMATION** is required to facilitate a complete understanding of the works proposed and the potential impact to the Burgage Hedgerow. Whilst the principle of the Applicant's strategy for the protection and enhancement of the Burgage Hedgerow is understood, concerns remain regarding the level of impact to the integrity of the important ecological corridor along the western boundary. Furthermore, any replacement of non-native species with native hedgerow would need to be carefully managed to ensure it is carried out in such a way that does not compromise the integrity of the ditch beneath the Burgage Hedgerow, which forms a key component of this important heritage feature. In this regard, it is advised that the Applicant should arrange an on-site meeting with the Parks and Public Realm Department and the Heritage Officer of South Dublin County Council to outline in detail the proposed works to the existing Burgage Plot Hedgerow, the proposed Planting Management Plan for replacement planting and to establish an approach which would be agreeable to all parties.

- (iv) The Applicant has revised the boundary treatment of the subject site repositioning the southern extent of the retaining wall to the east to provide a buffer to the boundary and removing the retaining wall, ramped treatment and steps to the west. Bioengineered gabion walls are provided where level changes arise, particularly along the western boundary to allow for the retention of the ditch.

The southern boundary treatment has been revised to include a ramp and landscaped terrace to provide accessibility to the site and a pedestrian/cyclist link through the site.

Whilst the proposed revisions to the boundary treatment are generally acceptable and the revised ramped treatment to the south retains a link through the site, concerns remain regarding the western boundary. In particular the use of bioengineered gabion walls reduces the potential for the ditch and stream to be incorporated into the SuDS design of the subject scheme. In this regard, the Applicant should be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** in the form of revised boundary treatment along the western boundary which addresses the outstanding concerns regarding the riparian buffer, retention of the Burgage Plot hedgerow and potential utilisation of existing features in the SuDS layout for the subject site. Furthermore, the Applicant should revise the proposed southern boundary treatments to address the concerns of the HSE Environmental Health Officer (as outlined under the '*Additional Information Item No. 13*' heading below).

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- (v) The Applicant has outlined their intention to restore existing gaps in the Burgage Hedgerows and replace non-native species with native hedgerow planting. Whilst the principle of the Applicant's strategy for the protection and enhancement of the Burgage Hedgerow is understood, concerns remain regarding the level of impact to the hedgerow. In this regard, it is advised that the Applicant should be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** in the form of a detailed Planting Management Plan which clearly demonstrates how any proposed hedgerow removal and replacement planting would be carried out in such a way that does not compromise the integrity of the ditch beneath the Burgage Hedgerow, which forms a key component of this important heritage feature. Prior to responding to the requested for **CLARIFICATION OF ADDITIONAL INFORMATION**, the Applicant is advised to liaise with the Heritage Officer of South Dublin County Council, and if necessary, arrange an on-site meeting, to agree an appropriate approach.
- (vi) The Planning Authority is satisfied that the revisions applied to the southern boundary treatment successfully address the concerns previously outlined. As indicated under item (i) above, the proposed pedestrian/cycle link through the site is welcomed. Adjustments may be required to the height of the wall along the southern boundary to address the concerns of the HSE Environmental health officer.
- (vii) The Applicant has revised the design of the proposed development to omit the steps linking the subject site to the lands to the south. As previously noted, the proposed boundary treatment and access arrangements are acceptable to the Planning Authority and would successfully navigate the level change in a universally accessible manner.
- (viii) Whilst the proposed lighting strategy has been revised to address concerns regarding the potential impact to the Bat population, concerns remain. Given the importance of the ecological corridor running through the subject site along the western boundary and connecting Newcastle with the wider the surrounding area, it is considered that further amendments are required to protect the integrity of the corridor. In this regard, the Applicant is requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** in the form of further revisions to the proposed lighting strategy. For example, the Applicant could revise the lighting strategy to include low level mounted on the gabian walls adjacent to the car parking spaces, providing a lux level to sufficiently light the area, whilst protecting the integrity of the ecological corridor.
- (ix) The previously proposed totem sign has been reduced in height and scale from 2.1m x 2.1m and 6m high to 1.5m x 1.5m and 3.9m high. Whilst the reduction in height and scale of the proposed totem sign would reduce the visual impact, having regard to the subject site's location within an Architectural Conservation area the revised proposal is still considered unacceptable. The Planning Authority does not accept the Applicant's contention that the absence of a 'flagpole' would undermine the legibility of the site and cause confusion for potential customers.

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Having regard to the prominent location of the subject site along Main Street and its location within an Architectural Conservation area, it is considered that the provision of lower level wayfinding signage to mark the entrance to the subject site would be more appropriate. The Applicant should therefore be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** indicating the provision of lower level wayfinding signage to mark the site's entrance with a high quality design and materiality. Consideration could also be given to addition of business identification signage affixed the side (east) elevation of Building D comprised of an appropriately sized, high quality metal monotone top lit signage. Prior to providing details of the revised signage, the Applicant should liaise with the Architectural Conservation Officer to ensure that the proposed signage would not have an adverse impact on the character and setting of the Architectural Conservation Area.

Additional Information Item No. 2

In response to Additional Information Item No. 2, the Applicant has revised the lighting strategy for the subject site and provided a revised Ecological Impact Assessment (including a Bat Assessment). The revised lighting strategy includes a reduction in height of the lighting columns (from 8m to 4m), motion detection elements and cowling.

Whilst the revised lighting strategy is noted and welcomed by the Planning Authority, as noted elsewhere throughout this Report concerns remain in relation to the level of impact to the Burgage Hedgerow and the resultant biodiversity impact. A concern therefore remains in relation to the potential impact to the local Bat population. As such, in responding to a request for **CLARIFICATION OF ADDITIONAL INFORMATION** to address outstanding issues, it may be necessary for the Applicant to provide a further revised lighting strategy.

Additional Information Item No. 3

The Applicant has outlined the following response to Additional Information Item No. 3:

- (i) Drawing No. SRC-214-100 prepared by Stephen Reid Consulting details the inclusion of a Toucan crossing.
- (ii) The number of cycle parking spaces remains unchanged, however the Traffic Note prepared by Stephen Reid Consulting outlines a justification on the basis of the expected trip generation of the proposed development and that in the event of a significant surge in cycle travel, additional spaces could be added.

The Roads Department have assessed the Applicant's Response and have indicated no objection to the proposed development, subject to the following **CONDITIONS**:

- Prior to commencement the applicant/developer is requested to submit the design and construction details of the pedestrian toucan crossing at the Athgoe Road, to be constructed by the applicant/developer at their own expense.
- A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority. REASON: In the interest of sustainable transport.

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- Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.
- Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.
- 100% of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in as outlined in SDCC CDP section 12.7.5

The Applicant has therefore satisfactorily addressed Additional Information Item No. 3.

Additional Information Item No. 4

The Applicant has indicated that the surface water outfall/discharge point will be relocated as requested into the newly constructed surface water infrastructure on Main Street.

The Drainage and Water Services Department have assessed the proposed development and indicated that the following **CLARIFICATION OF ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

Water service do not agree with proposed surface water connection location because there is no capacity in the surface water sewer being connected to.

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 water services in South Dublin County Council to discuss the options available regarding discharge point location. Arrange to meet water services of South Dublin County Council on site to assess existing and potential surface water drainage to an adjacent site.

Irish Water have indicated no objection to the proposed development, subject to **CONDITIONS**.

It is considered that, until such time as a Proposed Surface Water Connection and Drainage Layout is agreed with the Drainage and Water Services Department, Additional Information Item No. 4 has not been satisfactorily addressed by the Applicant. In this regard, **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought from the Applicant.

Additional Information Item No. 5

In response to Additional Information Item No. 5 the Applicant has provided a revised services design which results in the reduction of the surface water attenuation storage requirements by approximately 82%. This reduction has been achieved through the adoption of green roof, permeable paving to parking areas, rain gardens etc.

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Whilst the revised SuDS measures are welcomed by the Planning Authority, it is noted that the Applicant states that:

'It has not been possible to utilise the existing Burgage Plot and western ditch/culvert for storage/SuDS purposes due to the site levels involved'.

The Parks and Public Realm Department have assessed the Applicant's submission, with their Report noting that the proposed does not comply with SDCC SuDS Guidelines and Sustainable Water Management Policy for the following reason:

*'The development Plan requires that a **minimum 10m vegetated riparian buffer** is maintained / reinstated along all watercourses within any development site. There is no buffer proposed in this development, rather it is proposed to encroach into the watercourse to construct car parking.*

*By paving over the 10m riparian strip, which should be planted the area available for above ground SUDS which would provide biodiversity benefits has been reduced'.
[Emphasis added]*

Whilst it is acknowledged that some improvements have been made to the SuDS design of the subject scheme, it is considered that, by failing to provide an appropriate riparian, the Applicant has not satisfactorily addressed Additional Information Item No. 5. In this regard, **CLARIFICATION OF ADDITIONAL INFORMATION** is required. As previously outlined, it would be beneficial for the Applicant to arrange an on-site meeting with the Parks and Public Realm Department, Drainage and Water Services Department and Heritage Officer of South Dublin County Council to fully interrogate all design potential for the provision of an appropriate buffer to the adjacent riparian zone.

Additional Information Item No. 6

In response to Additional Information Item No. 6, the Applicant has provided a completed Green Space Factor Worksheet which demonstrates that an appropriate factor has been achieved by the design revisions.

However, as outlined elsewhere in this Report concerns remain regarding the failure to provide a 10m setback from riparian zone and the fragmentation of the Burgage Plot Hedgerows which have significant biodiversity and heritage value. In this regard, considering **CLARIFICATION OF ADDITIONAL INFORMATION** is required in relation to a number of outstanding issues, the Applicant should be requested to provide a revised Green Space Factor Worksheet and Green Infrastructure Plan to reflect any resultant amendments.

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Additional Information Item No. 7

The Applicant has provided a revised Landscape design, coordinated with the drainage layout and SuDS design of the subject scheme.

Whilst the proposed hard and soft landscaping details are generally considered acceptable and would positively contribute to the SuDS design of the subject site, concerns remain regarding the encroachment on the Riparian Zone and the impact to the Burgage Plot Hedgerow. In this regard, where a re-design of the subject scheme is required through **CLARIFICATION OF ADDITIONAL INFORMATION** to address outstanding concerns, it may be necessary for the Applicant to provide revised Landscape design details.

Additional Information Item No. 8

In response to Additional Information Item No. 8, the Applicant has indicated that, after investigating the potential to provide a 10m setback along the western boundary, it was found not be feasible. However, no evidence is provided by the Applicant of consideration of alternative design measures to achieve the 10m setback.

It is noted that the Applicant has indicated a blue dashed line on the revised Site Layout drawings to indicate a 10m setback from the site boundary. The Applicant's attention is drawn to the content of

GI3 Objective 3:

*'To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer **from the top of the riverbank** is maintained / reinstated along all watercourses within any development site'. [Emphasis added].*

The Applicant's response to Additional Information Item No. 8 is considered unsatisfactory. However, having regard to the high-quality design of the public plaza and renovation of the existing buildings along the Main Street and provision of a link through the site, it is considered that the Applicant should be afforded the opportunity to achieve and demonstrate the proposal would not detrimentally impact the impact on the historic Burgage Plot hedgerows. **CLARIFICATION OF ADDITIONAL INFORMATION** should be requested from the Applicant.

Additional Information Item No. 9

In relation to the daylighting of the culverted stream, the Applicant has indicated that investigations were undertaken but it is not feasible. The proposed Site Layout has been revised to provide a natural landscaped buffer area where the stream emerges, preserving the open ditch.

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Whilst it is regrettable, it is noted that in this instance it is not possible to uncover the culverted stream. However, in providing **CLARIFICATION OF ADDITIONAL INFORMATION** to address the outstanding issues outlined elsewhere in this Report, the design of the proposed development will evolve further, in re-designing the proposed development the Applicant should re-visit whether any design revisions would open up the potential for the stream to be daylighted.

Additional Information Item No. 10

In response to Additional Information Item No. 10, the Applicant has provided an Archaeological Impact Assessment which indicates no archaeological constraints.

The National Monument Service of the Department of Housing Local Government and Heritage and the South Dublin County Council Architectural Conservation Officer have indicated no objection to the proposed development, subject to **CONDITIONS**.

Additional Information Item No. 11

The Applicant has provided an updated Ecological Impact Assessment and reiterates their position that the revisions applied to the proposed development enhances the landscape and biodiversity merits of the scheme.

As previously outlined, concerns remain regarding development within the Riparian Zone and the potential impact to the Burgage Plot Hedgerow. In providing **CLARIFICATION OF ADDITIONAL INFORMATION** to address these concerns, the Applicant may need to provide a further revised Ecological Impact Assessment.

Additional Information Item No. 12

A revised Bat Assessment has been provided by the Applicant. In addition, the Applicant has outlined the mitigation measures proposed (lighting design revision and landscaping).

As outlined elsewhere throughout this Report, concerns remain regarding the potential impact of the proposed development on the Burgage Plot Hedgerow and the resultant impact to the local Bat population. As a result, the Applicant should be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** to reduce the level of impact on the Burgage Plot hedgerow.

Additional Information Item No. 13

The Applicant has provided a revised Noise Impact Assessment in response to Additional Information Item No. 13. The revised Assessment includes the development lands to the east.

The HSE Environmental Health Officer has reviewed the revised Assessment and indicated no objection, subject to the following **CONDITIONS**:

- 1. The Environmental Health Department request that the boundary wall at the southern end of the development be raised above the currently proposed 2 metres. The currently proposed 2 metre high wall provide minimal mitigation against the noise impacts outlined*

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above. In order to achieve the most optimum amount of noise reduction the wall height should be increased to the maximum level to be agreed by relevant engineers and acoustic experts.

- 2. No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 08:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.*

Any work outside of these hours shall only be permitted following a written request to the Planning Authority and subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unwanted noise outside the hours stated above.

- 3. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.*
- 4. Once under construction the site is to be surrounded by a solid hoarding to a minimum height of 2.4m as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.*
- 5. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night-time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.*
- 6. The building services plant area located on the roof of the development must be enclosed with a 2 metres high boundary wall as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.*
- 7. Following commencement of the development the applicant is required to submit an Acoustic Verification report to South Dublin County Council. The report must confirm whether the development complies with Councils noise criteria relevant to this proposal:*

Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time.

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- (a) *Acoustic design criteria or performance specifications that have arisen from the acoustic report or any subsequent acoustic assessment shall be finalised and verified by a suitably qualified acoustic consultant.*
 - (b) *The acoustic verification report must assess the impact of noise associated with deliveries with respect to existing and future receivers. Where modifications are required to reduce the noise impact these modifications must be included as clear recommendations for the subject development.*
 - (c) *This Acoustic Verification report should comprise of noise monitoring data at any noise sensitive locations. It should also include the cumulative noise level whereby the existing noise levels are included in assessment of the developments overall impact.*
8. *The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises, or public place in the vicinity.*
9. *During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.*
10. *The developer shall ensure that adequate community consultation is carried out prior to construction commencing on site. This should include distribution of information in the form of a letter or leaflet to all surrounding receivers including residential and commercial.*

All nearby receivers must be provided with the following information:

- *Overall schedule of works to include approximate timeframes*
- *Name and contact details of contractor responsible for managing complaints*
- *Hours of operation- including any scheduled times for heavy machinery*

Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby receivers are informed prior to works commencing.

11. *A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.*
12. *Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.*

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13. *The applicant shall put in place a pest control contract for the site for the duration of the construction works.*
14. *Full consultation shall take place with the Environmental Health Department prior to the commencement of any food business operation at the site.*
15. *A grease trap shall be provided on the drainage system for any wastewater leaving the kitchen and dish wash areas of any food premises.*
16. *A suitable location for the storage of refuse is to be provided.*

Having regard to the Applicant's response and the Report of the HSE Environmental Health Officer, it is considered that Additional Information Item No. 13 has been satisfactorily addressed.

Conclusion

Whilst the revisions applied by the Applicant have gone some way towards addressing the concerns of the Planning Authority, **CLARIFICATION OF ADDITIONAL INFORMATION** is required in relation to a number of outstanding concerns in relation to the proposed development, including but not limited to the design and layout, the level of impact of the proposal on the Burgage Plots and ecology and the provision of an appropriate buffer to the adjacent riparian zone. The Clarification of Additional Information is requested to facilitate a complete assessment of the proposed development, to demonstrate compliance with the relevant policies and objectives of the Development Plan and Newcastle Local Area Plan and to ensure the proposed development is in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The Planning Authority is not satisfied that the Applicant has interrogated all potential design solutions to provide an appropriate buffer to the adjacent riparian zone from the top of the bank. In this regard the Applicant should provide additional cross sections along the western boundary of the subject site, to facilitate a complete assessment of the relationship between the proposed development and the treatment of the Burgage Plot hedgerow, stream and associated ditch along the entire western boundary. Furthermore, the Applicant should demonstrate the consideration of all potential design solutions which may result in the provision of an appropriate buffer (e.g. undercroft car parking). It is suggested that the Applicant meet representatives from the Drainage and Water Services Department, Parks and Public Realm Department and the Heritage Officer of South Dublin County Council on site to discuss the design approach. Any knock-ons of revisions in relation to other application plans and particulars should be considered.

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2. The Applicant should provide a detailed Planting Management Plan which clearly demonstrates how any proposed hedgerow removal and replacement planting would be carried out in such a way that does not compromise the integrity of the ditch and bank beneath the Burgage Hedgerow, which forms a key component of this important heritage feature. Prior to providing a Planting Management Plan, the Applicant is advised to liaise with the Heritage Officer of South Dublin County Council in this regard.
3. The Applicant is requested to revise the proposed boundary treatment as follows:
 - (i) In order to achieve the most optimum amount of noise reduction the wall height at the southern end of the proposed development should be increased in line with the recommendations of the Environmental Health Officer.
 - (ii) It is noted that the use of bioengineered gabion walls reduces the potential for the ditch and stream to be incorporated into the SuDS design of the subject scheme. In considering the potential design solutions to address concerns regarding the riparian buffer and impact to the Burgage Plot hedgerow, the Applicant should consider whether there is an opportunity to utilise existing features on the subject site for the purposes of Sustainable Drainage Systems. In re-designing the boundary treatment in this location, the Applicant should revisit the potential to uncover the existing culvert.
4. The applicant should 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, the Applicant should liaise with the Drainage and Water Services Department to discuss the options available regarding discharge point location.
5. The Applicant is requested to provide a revised lighting layout plan and lighting impact assessment report to address the outstanding concerns regarding the protection of the key ecology corridor along the western boundary of the subject site. The Applicant should consider the Application of design solutions such as the provision of low level lighting affixed to the gabion walls in this location to protect the integrity of the key ecological corridor in this location.

The revised lighting layout should be assessed by an appropriately qualified bat expert, providing a revised bat survey and assessment of the amended lighting design. Furthermore, the revised lighting design should reflect any amendments applied to the Site Layout Plan as a result of any further design revisions arising from other items of Clarification of Additional Information.

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.

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6. Having regard to the prominent location of the subject site along Main Street and its location within an Architectural Conservation area, it is considered that the height and scale of the proposed 'flagpole' signage is not acceptable. In this regard, the Applicant is requested to revise the design of the proposed sign to a lower level wayfinding signage to mark the site's entrance with a high quality design and materiality. Consideration could also be given to addition of business identification signage affixed the side (east) elevation of Building D comprised of an appropriately sized, high quality metal monotone top lit signage. Prior to providing details of the revised signage, the Applicant should liaise with the Architectural Conservation Officer to ensure that the proposed signage would not have an adverse impact on the character and setting of the Architectural Conservation Area.

Clarification of Additional Information

Clarification of Additional Information was requested on 9th January 2023.

Clarification of Additional Information was received on 9th March 2023.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Assessment

The following Clarification of Additional Information was received from the Applicant on 9th March 2023:

- Letter of Response prepared by the Planning Partnership dated 3rd March 2023.
- Technical Note prepared by CLV Consulting dated 2nd March 2023.
- Lighting Impact Assessment Report prepared by Lawler Consulting.
- Drawing No. 5197-S100 – New Lidl Store Site Lighting Layout - prepared by Lawler Consulting.
- Drawing No. 5197-P100 – New Lidl Store Site Plant Layout - prepared by Lawler Consulting.
- Services Design Report prepared by SDS Design Engineers.
- Drawing No. 1025 prepared by Site Layout Plan Showing Proposed Services prepared by SDS Design Engineers.
- Drawing No. PA-001 – Proposed Site Plan prepared by Darmody Architecture.
- Drawing No. PA-104 – Lidl Store – Proposed Ground Floor Plan prepared by Darmody Architecture.

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- Drawing No. PA-105 – Lidl Store – Proposed First Floor & Roof Plan prepared by Darmody Architecture.
- Drawing No. PA-200 – Proposed Site Contextual Elevation & Site Sections prepared by Darmody Architecture.
- Drawing No. PA-303 – Building D – Proposed Elevations & Section prepared by Darmody Architecture.
- Drawing No. PA-304 – Lidl Store – Proposed Elevations & Section prepared by Darmody Architecture.
- Drawing No. PA-402 – Proposed Wall Mounted Lidl Sign 01 - prepared by Darmody Architecture.
- Drawing No. PA-403 – Proposed Wall Mounted Lidl Sign 02 - prepared by Darmody Architecture.
- Drawing No. PA-500 – Proposed Boundary Treatments Sheet 01 of 08 - prepared by Darmody Architecture.
- Drawing No. PA-501 – Proposed Boundary Treatments Sheet 02 of 08 - prepared by Darmody Architecture.
- Drawing No. PA-502 – Proposed Boundary Treatments Sheet 03 of 08 - prepared by Darmody Architecture.
- Drawing No. PA-503 – Proposed Boundary Treatments Sheet 04 of 08 - prepared by Darmody Architecture.
- Drawing No. PA-504 – Proposed Boundary Treatments Sheet 05 of 08 - prepared by Darmody Architecture.
- Drawing No. PA-505 – Proposed Boundary Treatments Sheet 06 of 08 - prepared by Darmody Architecture.
- Drawing No. PA-506 – Proposed Boundary Treatments Sheet 07 of 08 - prepared by Darmody Architecture.
- Drawing No. PA-507 – Proposed Boundary Treatments Sheet 08 of 08 - prepared by Darmody Architecture.
- Drawing No. 077622-DD-01 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622-DC-02 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622-DD-03 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622-DD-04 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622-DD-05 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622-DD-06 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622-DD-07 – Landscape Sections prepared by Austen Associates.
- Drawing No. 077622-LP-01 – Landscape Plan prepared by Austen Associates.
- Drawing No. 077622-LP-02 – Landscape Plan with overlap proposed infrastructures prepared by Austen Associates.
- Drawing No. 077622-LP-03 – Soft Landscape Plan prepared by Austen Associates.
- Drawing No. 077622-TP-01 – Tree Protection Plan prepared by Austen Associates.
- Drawing No. 077622 -TS-01 – Tree Survey Plan prepared by Austen Associates.
- Planting Management Plan prepared by Austen Associates.

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- Tree & Vegetation Survey, Assessment, Management & Protection Measures prepared by Austen Associates.
- Green Factor Calculator Worksheet prepared by Austen Associates.
- Bat Fauna Survey prepared by Altemar Limited dated 6th March 2023.

The Clarification of Additional Information provided by the Applicant will be assessed below in the context of the 6 No. items requested by the Planning Authority on 9th January 2023:

Item No. 1

In response to Additional Information Item No. 1, the Applicant has indicated that through engagement with the relevant Departments of South Dublin County Council, the design of the proposed development has evolved as follows:

- The roadway has been reduced in width from 7.5m to 6.5m.
- The proposed building has narrowed from approximately 33m to 28m.
- The elongation of the proposed building from approximately 75.5m to 80m.
- The overall floor area of the building has been reduced from 2,207 sqm to 2,167 sqm.
- A slight increase in the maximum overall height of the proposed building from 6.74m to 7.01m.
- As a result of the amendments the landscaped buffer to the eastern and western boundaries has increased.

Note: It is considered that the amendments are not of a significant scale or nature that would require revising public notices to be advertised.

The Applicant has also provided cross sections along the western boundary of the subject site, indicating the provision of an increased buffer particularly to the western and eastern boundaries resulting in a more positive relationship with the Burgage Hedgerow and a reduction in the scale of the proposed gabion treatment.

The Parks and Public Realm Department have assessed the Applicant's submission and indicated no objections to the proposed development.

The Roads Department have assessed the Applicant's submission, with their Assessment noting the following:

'The applicant has reduced the width of the access road from 7.5m to 6.5m. There is still ample space for cars to reverse out from parking bays. An autotrack has been submitted detailing the delivery truck movements into and out of the loading bay. The car parking has been reduced from 93no to 90no. this is acceptable to the roads section. Roads have no objection.'

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The Report of the Roads Department ultimately concludes with no objection to the proposed development, subject to the following **CONDITIONS**:

- Prior to commencement the applicant/developer is requested to submit the design and construction details of the pedestrian toucan crossing at the Athgoe Road, to be constructed by the applicant/developer at their own expense.
- A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority. REASON: In the interest of sustainable transport.
- Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.
- Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.
- 100% of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in as outlined in SDCC CDP section 12.7.5.

Item No. 2

The Applicant has provided revised Landscape Plan and Planting Management Plan prepared by Austen Associates following consultation (including an on-site meeting) with the Heritage Officer and representatives from the Parks and Public Realm Department.

The Parks and Public Realm Department have assessed the Applicant's submission and have indicated no objection to the proposed development.

Having regard to the Applicant's submission and the Report of the Parks and Public Realm Department, it is considered that the Applicant has satisfactorily addressed Item No. 2.

Item No. 3

In response to Item No. 3(i) the Applicant has revised the boundary treatment for the subject scheme and provided a Technical Note prepared by CLV Consulting.

The boundary wall to the southern and part eastern boundaries have been increased in height to a 4.2m high retaining wall, reading as 1.4m high from the adjacent lands to the south owing to the level change. It is also noted that the revisions to the overall Site Layout will increase the setback distance to the western boundary providing increased noise insulation to the adjacent development lands to the west.

In responding to Item No. 3(ii) the Applicant has noted that the revisions to the Site Layout have increased the setback to the western and eastern boundaries in particular. However, owing to the changes in levels the buffer area along these boundaries are precluded from significant surface water management.

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It is noted and accepted that, in this instance, the opening up of the culvert is not possible due to potential damage to the integrity of the Burgage Plot hedgerow.

The reduced floor area of the proposed building allows for an increase to the separation distance to adjacent boundaries (particularly the western and eastern), thus facilitating a widening of the landscaped buffer allowing for increased planting. It is noted that this has resulted in an improved Green Space Factor score and a reduction in the required surface water storage by approximately 100m³.

Having regard to the information provided by the Applicant and the revisions to the Site Layout and design of the proposed development, it is considered that the Applicant has successfully addressed Item No. 3.

Item No. 4

In response to Item No. 4, the Applicant has engaged with the Drainage and Water Services Department of South Dublin County Council and ultimately revised the drainage layout to relocate the surface water outfall/discharge point to the surface water infrastructure along Main Street.

The Drainage and Water Services Department and Irish Water have assessed the Applicant's submission, with their Report indicating no objection to the proposed development, subject to **CONDITIONS**.

Item No. 5

The Applicant has provided a revised lighting layout for the subject site, with free standing lighting columns being largely omitted and replaced with building mounted fixtures (where possible).

It is noted that the revised lighting proposals lessen the impact on the adjacent burgage plot hedgerows, particularly to the western boundary where the revised layout would result in a reduction in the lighting footprint. It is considered that the revised lighting layout successfully addresses the requirements of Item No. 5.

Item No. 6

In response to Item No. 6, the Applicant has omitted the proposed flagpole signage. Two wall mounted un-lit signs are proposed measuring approximately 1m in width and 1m in height and with a neutral materiality.

It is considered that the revised signage proposals successfully address Item No. 6.

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Other Considerations

Development Contributions

The northern portion of the subject site is zoned objective 'VC' for which the stated objective is *'to protect, improve and provide for the future development of village centres'*. The remainder of the subject site is zoned objective 'RES-N' to provide for new residential communities in accordance with approved area plans' in the South Dublin County Development Plan 2022-2028.

It is noted that a 50% reduction in non-residential Development Contribution rate for development on 'VC' zoned lands applies:

Development Contributions ('VC' Zoned Lands)	
Planning Reference Number	SD22A/0312
Summary of permission granted & relevant notes:	Construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use measuring c. 2,167 sqm gross floor space with a net retail sales area of c. 1,373 sqm; a vehicular access point to Main Street Upper and associated works to carriageway; Demolition of part of an existing rear / southern single storey residential extension (and related alterations to remaining structure) of Kelly Estates building; 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

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	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.
Are any exemptions applicable?	Yes
If yes, please specify:	50% reduction in non-residential rate for developments in Village Centre applies
Is development commercial or residential?	Commercial
Standard rate applicable to development:	112.57
% reduction to rate, if applicable (0% if N/A)	50
Rate applicable	€56.29
Area of Development (m2)	179.0
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	179
Total development contribution due on 'VC' Zoned Lands	€10,075.91

The remainder of the proposed development for which Development Contributions arise is on lands zoned 'RES-N':

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Development Contributions – ‘RES-N’ Zoned Lands	
Planning Reference Number	SD22A/0312
Summary of permission granted & relevant notes:	<p>Construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use measuring c. 2,167 sqm gross floor space with a net retail sales area of c. 1,373 sqm; a vehicular access point to Main Street Upper and associated works to carriageway; Demolition of part of an existing rear / southern single storey residential extension (and related alterations to remaining structure) of Kelly Estates building; 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</p>

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	Substation and all other associated and ancillary development and works above and below ground level including within the curtilage of a protected structure.
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Commercial
Standard rate applicable to development:	112.57
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€112.57
Area of Development (m2)	2,167.0
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	2,167
Total development contribution due on 'RES-N' Zoned Lands	€243,939.19

Total Development Contributions due: €254,015.10

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq m)
Discount Retail Store, Café/Retail Unit and Retail/Commercial Unit.	2,346 sq m
Land Type	Site Area (Ha)
Brownfield / Urban Consolidation	1.04 Ha

Conclusion

Having regard to the Clarification of Additional Information provided by the Applicant and the policies outlined in the South Dublin County Development Plan 2022-2028, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area.

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Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 2nd December 2022 and Clarification of Further Information received on 9th March 2023, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. External Finishes and Materials
Prior to the commencement of construction on site, samples of all proposed external finishing materials shall be submitted to and approved in writing by the Planning Authority and sample panels of 2m x 2m of the materials shall be erected on site and once approved, retained for the duration of development for quality control purposes.
Development shall be carried out in accordance with the approved samples.
REASON: In the interest of visual amenity and environmental quality.
3. Roadway, Path and Car Parking Finishes and Materials
Notwithstanding the submitted details, prior to the commencement of construction of any of the road, pavement, cycleway, parking bay or other hard landscaped areas within the site hereby approved, samples of all proposed external surface finishing materials shall be submitted to and approved in writing by the Planning Authority and sample panels of 3m x 3m of the materials shall be erected on site and once approved, retained for the duration of development for quality control purposes. Development shall be carried out in accordance with the approved samples.

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REASON: In the interests of amenity and to ensure the provision of high quality materials are used for public spaces within the area.

4. Goods Deliveries.

Goods deliveries to all commercial uses shall not be permitted between the hours of 22.00 hours and 07.00 hours, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interest of residential amenities of the area.

5. Hours of Operation.

The opening hours of the Discount Foodstore Supermarket shall be Monday to Sunday from 08:00 hours to 22:00 hours, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interest of visual and residential amenity, and the proper planning and sustainable development of the area.

6. Prior to the commencement of development, the developer/landowner shall submit for the written agreement of the Planning Authority, a detailed phasing schedule for the permitted development which clearly demonstrates that the demolition works, public plaza, retail/café unit and retail/unit shall be completed and made available for occupation prior to the opening of the discount retail supermarket unit. The sequence in which works are carried out shall be subject to the written agreement of the Planning Authority.

REASON: In the interest of clarity and to ensure that development occurs at an acceptable pace and adheres to the key principles of the proper planning and sustainable development of the area.

7. Retail/Commercial Units:

(i) No planning permission is hereby granted for the application of any vinyl manifestations to the glazing of the northern, southern and western elevations of the retail/café unit and the southern, eastern and northern elevations of the retail/commercial unit. The glazing to all windows shall be kept free of all stickers, posters and advertisements.

(ii) The internal configuration and fit out of the retail/café unit and the retail/commercial unit shall be arranged in such a manner so as to keep all internal shop fittings, including shelving etc away from windows along the northern, southern and western elevations of the retail/café unit and the southern, eastern and northern elevations of the retail/commercial unit.

(iii) Prior to the occupation and opening of the retail/café unit and retail/commercial unit on Main Street, the Applicant shall provide details of the intended operator of the 2 No. units.

(iv) Unless otherwise agreed in writing, the operational hours of the retail/café unit and retail/commercial unit on Main Street shall be Monday to Saturdays from 08:00 hours to 22:00, 7 days per week.

(v) Prior to the occupation and opening of the retail/café unit and retail/commercial unit on Main Street, the Applicant shall provide for the written agreement of the Planning

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Authority full details of proposed signage to include plan and elevational drawings demonstrating signage lettering, logo dimensions, colours, materials, finishes and illumination type.

REASON: In the interests of the proper planning and sustainable development of the area.

8. Signage Not Internally Lit.

The proposed signage shall not be internally illuminated unless otherwise agreed with the Planning Authority.

REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.

9. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

10. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

11. (i) Prior to commencement the applicant/developer shall submit for the written agreement of the Planning Authority the design and construction details of the pedestrian toucan crossing at the Athgoe Road, to be constructed by the applicant/developer at their own expense.
- (ii) Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.
- (iii) Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.
- (iv) 100% of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in as outlined in SDCC CDP section 12.7.5.
- (v) A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written

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agreement of the Planning Authority.

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

12. Archaeological Monitoring.

Prior to the commencement of development on site, the developer/applicant shall discharge the following conditions:

(i) The developer shall engage a suitably qualified archaeologist to monitor (as an extension of Licence No. 22E0840 under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and/or dredging within the greenfield portion of the development site. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(ii) Provide an updated Method Statement for the licensed archaeological monitoring, to be approved by the Department of Housing Local Government and Heritage, will include methodology for the preservation of features that were discovered during testing under Licence No. 22E0840.

(iii) Should additional archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with this Department, regarding appropriate mitigation [preservation in-situ/excavation].

(iv) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with this Department, shall be complied with by the developer.

(v) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

13. Demolition Works

Prior to the commencement of development the Applicant shall submit A Method Statement for the written agreement and approval of the Planning Authority detailing the proposed demolition of the rear extension to Kelly Estates (a Protected Structure RPS Ref. 229). The Method Statement should include;

- A Schedule of Works and Methodology for the proposed work to the existing two-storey vernacular townhouse.

- Proposed works to existing stone boundary walls to provide for new access points to Main Street Upper. Details should be included for the repair and making good of all original historic boundary walls adhering to best practice and using traditional method and materials.

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- Due to the Protected Structure (Kelly Estates RPS Ref. 229), the existing vernacular townhouse and boundary walls all of which provide architectural significance within the subject site a Safety Statement should also be included as part of the Method Statement detailing how the Protected Structures and existing historic elements will be protected during the proposed development.

14. Glint/Glare Assessment regarding Aviation.

Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:

(a) Written confirmation that the applicant has forwarded a Glint and Glare Assessment which considers the predicted effect of the proposed solar panels on sensitive aircraft receptors of the proposed development to the Irish Aviation Authority.

(b) The written agreement of the Irish Aviation Authority and/or the Air Corps Traffic Service, which states that:

(i) The proposed construction works - inclusive of cranes - will not affect the safety, efficiency or regularity of aircraft generally and/or of Air Corps operations.

(ii) The proposed development - inclusive of the solar panels - will not affect the safety, efficiency or regularity of aviation operations or the emergency services (e.g. Coast Guard helicopters) operated in the vicinity of Tallaght Hospital.

REASON: In the interests of public safety, protecting the environment and in the interests of the amenities of the area.

15. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

16. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

17. Environmental Health Department

(i) Full consultation shall take place with the Environmental Health Department prior to the commencement of any food business operation at the site.

(ii) A grease trap shall be provided on the drainage system for any waste water leaving the kitchen and dish wash areas of any food premises.

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(iii) A suitable location for the storage of refuse is to be provided

REASON: In the interest of public health and safety, the proper planning and sustainable development of the area.

18. Construction Noise and Hours.

(i) No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 08:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays. Any work outside of these hours shall only be permitted following a written request to the Planning Authority and subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unwanted noise outside the hours stated above.

(ii) Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

(iii) Once under construction the site is to be surrounded by a solid hoarding to a minimum height of 2.4m as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.

(iv) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

(v) The building services plant area located on the roof of the development must be enclosed with a 2 metres high boundary wall as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.

(vi) Following commencement of the development the applicant is required to submit an Acoustic Verification report to South Dublin County Council. The report must confirm whether the development complies with Councils noise criteria relevant to this proposal:

Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time.

(a) Acoustic design criteria or performance specifications that have arisen from the acoustic report or any subsequent acoustic assessment shall be finalised and verified by a suitably qualified acoustic consultant.

(b) The acoustic verification report must assess the impact of noise associated with deliveries with respect to existing and future receivers. Where modifications are required to reduce the noise impact these must modifications must be included as clear

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recommendations for the subject development.

(c) This Acoustic Verification report should comprise of noise monitoring data at any noise sensitive locations. It should also include the cumulative noise level whereby the existing noise levels are included in assessment of the developments overall impact.

(v) The developer shall ensure that adequate community consultation is carried out prior to construction commencing on site. This should include distribution of information in the form of a letter or leaflet to all surrounding receivers including residential and commercial. All nearby receivers must be provided with the following information:

-Overall schedule of works to include approximate timeframes

-Name and contact details of contractor responsible for managing complaints

-Hours of operation- including any scheduled times for heavy machinery

Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby receivers are informed prior to works commencing.

(vi) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

(vii) Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

(viii) The applicant shall put in place a pest control contract for the site for the duration of the construction works.

(ix) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

19. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

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REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

20. Protection of Existing Hedgerows and Trees

- In order to ensure the protection of hedgerows and trees to be retained within the site, the applicant shall implement all recommendations contained within the Arboricultural Report.

- Tree and Hedgerow protection must conform to BS5837:2012, must be fit for purpose and commensurate with the nature of Development and the expected day-to-day activities of the site works.

- Tree and Hedgerow Bond and Arboricultural Agreement:

- Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €50,000.00 with the Planning Authority. This is to ensure the protection of trees and hedgerows on and immediately adjacent to the site to make good any damage caused during the construction period.

REASON: In the interest of visual amenity.

21. Construction Waste Management Plan.

All construction waste arising from the development of the site as approved shall be managed in accordance with all relevant statutory provisions and an agreed site specific Construction Waste Management Plan. All such waste shall be kept to a minimum, segregated where appropriate, and disposed/recovered at a waste facility authorised under the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, to accept the categories of waste.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer or any other person with an interest in the land to which the development as approved relates shall lodge with the Planning Authority for written agreement:

A site specific Project Construction Waste and Demolition Management Plan that accords with the requirements both of the Council's Waste Management Section and the Council's Waste Enforcement and Licensing Section.

All construction and demolition waste shall be managed in accordance with this plan which shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in 2006 and the provision of the Waste Management Plan for the Dublin Region.

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The plan shall include details to the satisfaction of the Council's Waste Management Section and the Council's Waste Enforcement and Licensing Section for all waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Eastern-Midland Region.

A record of daily checks that the works are being undertaken in accordance with the site specific Construction Waste Management Plan shall be kept for inspection by the planning authority.

The plan should also be informed by any Construction Traffic Management Plan required to be prepared and agreed that addresses intended construction practice for the development, including hours of working, construction traffic access route and noise management measures and details of measures to protect watercourses on or adjoining the site from the spillage or deposit of clay, rubble, waste or other debris.

In addition, copies of waste disposal/recovery records, including waste collector dockets/invoices and weighbridge dockets, shall be maintained on site during construction activity and made available, at all reasonable times, for inspection by Authorised Persons as appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the development works, in accordance with the European Communities (Shipment of Hazardous Waste Exclusively within Ireland) Regulations 2011. Waste operations shall only be carried out at such time as authorisation pursuant to the Waste Management Act 1996, as amended, has been obtained.

Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interests of public safety, compliance with Development Plan Policy and sustainable waste management.

22. Taking-in-Charge:

The applicant shall submit and agree in writing with SDCC Public Realm Section what will be taken in charge by SDCC. This shall include written statement by the applicant and a public open space drawing map clearly demonstrating what is proposed for taking in charge by SDCC. If a management company is taking in charge public open space the management company's details shall be submitted with the written confirmation and a detailed drawing. SDCC are unable to take in charge areas that require, excessive resources in terms of maintenance. The use of herbicides is avoided by SDCC in residential areas.

REASON: To ensure that designs, materials and specifications shall meet with the requirements of the Local Authority and the Development Agency and in the interests of proper planning and sustainable development.

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23. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €254, 015.10 (Two Hundred and Fifty Four Thousand and Fifteen Euro and Ten Cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

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REG. REF. SD22A/0312

LOCATION: Main Street Upper, Newcastle, Co Dublin

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 05 April 2023



**Mick Mulhern,
Director of Land Use, Planning &
Transportation**