

MATERIAL ALTERATIONS - DRAFT CARLOW COUNTY DEVELOPMENT PLAN 2022-2028

Senior Executive Officer
Material Alterations - Draft Carlow County Development Plan 2022-2028
Planning Department
Carlow County Council
Athy Road, Carlow

Wednesday, 23rd March 2022

[Via: <http://consult.carlow.ie> @ carlowcdp@carlowcoco.ie]

Dear Sir/Madam,

RE: SUBMISSION TO MATERIAL ALTERATIONS TO DRAFT CARLOW COUNTY DEVELOPMENT PLAN BY LIDL IRELAND GMBH

1.0 INTRODUCTION & SUMMARY

1.1 Purpose & Scope of Submission

The Planning Partnership, McHale Retail Park, Castlebar, Co. Mayo, have been retained by Lidl Ireland GmbH, Lidl Regional Distribution Centre, Littleconnell, Newbridge, Co. Kildare, W12 KT98 to prepare a submission in relation to the Material Alterations to the Draft Carlow County Development Plan 2022-2028 regarding retail and planning issues affecting Carlow Town in particular.

Lidl currently operate 3 no. stores in Carlow, in Carlow Town, Tullow and Bagenalstown, employing a substantial number of staff. In line with ongoing expansion plans nationally, Lidl intend to broaden their offering in the County over the lifetime of the forthcoming Development Plan.

1.2 Summary of Issues

In terms of issues arising from a review of the Material Alterations to the Draft County Development Plan (MADP), we summarise as follows:

1. The proposed realignment of the zoning boundaries at Lidl, Tullow Road to include adjoining Commercial lands is welcomed (**Amendment no. 109**);
2. The proposed designation / zoning of the extended Lidl site at Tullow Road as a Neighbourhood Centre is (conditionally) welcomed, subject to further revisions (**Amendment no. 109**). In the absence of further revisions, our client requests that the previous zoning objective of *Commercial / Residential* be reinstated in the adopted plan (maintaining the boundary realignment in no. 1 above);
3. The proposed revision to Electric Vehicle Charging Point requirements is of concern in that it does not align with emerging national standards and otherwise is an unnecessarily rigid regulation of rapidly evolving technology (**Amendment no. 164**); and,
4. The floorspace cap proposed for the land use zoning objective (**Amendment no. 169**) is of concern in that it undermines the potential for development in the Neighbourhood Centre zone and puts these lands at a distinct disadvantage in comparison to the Commercial / Residential zoned lands. The removal or adjustment of the cap is proposed accordingly.

The below elaborates on these issues, setting out a rationale for each. We consider that the additional modifications sought are not significant in nature, and are in accordance with the spirit of the Draft Plan and Retail Strategy as originally published and retail planning policies and principles generally.

2.0 MATERIAL ALTERATIONS

2.1 Amendment no. 109 | Zoning Boundary Realignment

Lidl welcome the proposed realignment of the zoning boundaries to classify the proposed site extension area as the same zoning objective as the existing Lidl demise, which also reflects the pre-existing commercial nature of the area of the proposed site extension.

2.2 Amendment no. 109 | Zoning Change

As noted above, the proposed designation / zoning of the extended Lidl site at Tullow Road as a Neighbourhood Centre is (conditionally) welcomed, subject to further revisions, as detailed in Section 2.4 below in particular.

In the of further revisions, our client requests that the previous zoning objective of *Commercial / Residential* be reinstated in the adopted plan (maintaining the boundary realignment in no. 1 above).

The rationale for previously seeking the zoning change to Neighbourhood Centre was on the basis of the Development Plan and Retail Strategy both being updated to recognise the increasing role of Neighbourhood Centre's as primary locations for food shopping facilities.

As noted in our previous submission, this was in order to reflect a more dynamic and evolving retail and town centre development approach, where:

- a) Customers expect a greater range of shopping at a local level which current floorspace restrictions undermine;
- b) Customers have increasingly convenient online shopping choices where there is no effective limit to the range of goods available (which is a principal effect of limiting floorspace);
- c) The town centre / town core is decreasingly a location for food shopping, rather is increasingly specialising in higher order retailing, leisure, hospitality, food and tourism experiences;
- d) Carlow town centre / town core is already heavily diversified away from convenience / food shopping, in terms of the existing distribution of Supermarkets and Superstores around the settlement (including across the county boundary into Laois County Council's functional area). Figure 4 below illustrates the distribution of convenience outlets, with the main supermarkets highlighted; and,
- e) Unnecessary restriction of floorspace or other restrictions to continuation of the existing pattern of distributed convenience retailing in Carlow County Council area could result in unintended consequence of increasing the attractiveness of the Laois County Council functional area where greater flexibility arises.

Due to the nature of the proposed restrictions on the Neighbourhood Centre objective however we consider that maintaining the Commercial / Residential zoning objective on the (extended) site would be more appropriate, unless the proposed restrictions on the Neighbourhood Centre objective are addressed.

2.3 Amendment no. 164 | Electric Vehicle Charging

The proposed revision to Electric Vehicle Charging Point requirements is of concern in that it does not align with emerging national standards and otherwise is an unnecessarily rigid regulation of rapidly evolving technology.

We note that the amendment refers to the requirements of *S.I. No. 393/2021 EU (Energy Performance of Buildings) Regulations 2021* however it is apparent that the MADP requirements exceed those of the Regulations.

The amendment refers to "*a minimum of 1 space per five car parking spaces should be equipped with one fully functional EV charging point*" however the Regulations state that developments "*shall have installed at least one recharging point and ducting infrastructure (consisting of conduits for electric cables) for at least one in every 5 car parking spaces to enable the subsequent installation of recharging points for electric vehicles...*".

In essence it appears that the Regulations require *ducting infrastructure* whereas the MADP requires a *fully functional EV charging point* for one in five spaces, over and above the initial charging point.

We submit that such a level of provision as sought in the MADP would be substantially in excess of current or short term requirements, and premature deployment of current (2022) charging technology would undermine the incremental roll out of newer generations of charging infrastructure (which are rapidly evolving).

For instance, the current Lidl specification of chargers are 'DC Chargers', replacing the previous generation of 'AC Chargers'.

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

The current DC Charger specification is significantly more efficient / powerful than the previous generation, resulting in one DC charger having the potential to serve a much higher volume of customers.

For instance, the DC charger can provide an 80% charge in 40 minutes compared to the previous generation period of almost three hours. The result of same is that the occupancy of EV spaces is considerably reduced, and has been observed as resulting in 11% occupancy¹ vs. 40% occupancy for AC Chargers.

The change / evolution in specification can therefore be more effective than the absolute number of chargers provided and highlights that a *qualitative* approach to charging infrastructure is appropriate.

In terms of usage of charging infrastructure at existing Lidl stores, the Applicant notes that spare capacity at existing Lidl stores (whether AC or DC chargers) ranges from 60% to 89%, in terms of charging hours available for use. Even where slower chargers are in place, significant capacity remains.

This level of occupancy reflects the general take up of electric vehicles nationally, where in the National Travel Survey 2019 (the most recent), only 1.5% of respondents owned an electric vehicle, of which 58% were non plug in Hybrid Electric Vehicles.

Accordingly, c. 0.63% of car owners had use or need of charging infrastructure. Whilst this figure will undoubtedly increase significantly in the long term, the level of growth to justify a significant proportion of parking spaces being dedicated to electric vehicle charging is some time away in our opinion.

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

¹ i.e. The percentage of store opening hours where a charger is in use.

We therefore submit that requirements should be based on a limited upfront provision (current Lidl specification is to provide no. 2 fully functional spaces as standard), and a generous (e.g. 1 in 5 spaces) future proofing (e.g. ducting infrastructure) of 'standard' spaces.

This approach would wholly align with *S.I. No. 393/2021 EU (Energy Performance of Buildings) Regulations 2021* and should be applied accordingly in our opinion.

2.4 Amendment no. 169 | Floorspace Cap

As noted above the floorspace cap proposed for the Neighbourhood Centre land use zoning objective is of concern in that it undermines the potential for development in the zone and puts these lands at a distinct disadvantage in comparison to the Commercial / Residential zoned lands.²

As such, in the absence of resolution of this issue (which is readily available, as noted below), Lidl request that the (extended / realigned) site zoning revert back to Commercial / Residential, which does not have a floorspace cap and where unfettered Shop (convenience) use is Permitted in Principle.

We submit that the proposed restriction of "a single shop unit" or "Shop (Convenience)" to be not greater than 1,200 sqm net. is unduly restrictive, and would place Neighbourhood Centre lands at a disadvantage to Commercial / Residential lands, and would undermine the achievement of Development Plan and Retail Strategy policies and objectives.

As was noted in our previous submission to the Draft Plan, this approach would result in "... *failure to achieve the necessary focus ...*" as was recognised as an important Neighbourhood Centre consideration in the existing Retail Strategy for the Greater Carlow Graiguecullen Urban Area 2012.

We therefore submit that it is not appropriate or sustainable to maintain a cap on floorspace, in the absence of any pressing need for same, and in the absence of any national or regional policy support for such a restrictive approach.

We also note that the existing store on site measures c. 1,286 sqm net, hence the existing store could be deemed to be a *Non Conforming Use*. We respectfully submit that the emerging Development Plan should have regard to the extant use and avoid applying a zoning objective to the site which does not align with the current use.

As was noted in our previous submission, the primary function of the Carlow town core is more related to higher order retailing and leisure / recreation / tourism uses and experiences.

'Releasing' the Town Centre / Core from a perceived / implied role of being the primary source / location of food shopping facilities in the overall settlement will also enable the fulfilment of other policies and objectives for the Town Centre / Core, for instance relating to fulfilling Carlow's role as a regional high order settlement, competing with Kilkenny, Newbridge, Portlaoise, Kildare Village, Dublin City Centre, etc.

Furthermore, *Project Carlow 2040: A Vision for Regeneration* for instance has a number of key objectives, which largely relate to promoting the higher order role of the town as a centre of commerce and activity / recreation / leisure, etc. along with a renewed emphasis on town centre living.

In addition, we note that a key action outlined in IBEC's 'Reboot & Reimagine' campaign is to: "*Ensure fair competition: We must support and maintain the domestic retail sector's competitiveness and ability to grow, sustain jobs and deliver great choice and value to consumers...*"

² For instance, we note the recent grant of permission under *Reg. Ref: 21/114* relating to the replacement of the existing Aldi store at Hanover Road, proposed to be zoned Commercial / Residential, which the MADP restrictions could have undermined, had the site been zoned Neighbourhood Centre under the MADP provisions.

Finally, we also reiterate that existing store acts as a *de facto* Retail Centre having a well established pattern of trade.

The proposed redevelopment and site enlargement, and suggested zoning and policy changes herein, will not materially change this, rather they would merely allow the reasonable and proportionate renewal of an important facility.

The zoning objective should not undermine the ability of the local Planning Authority to assess such proposals on their merits.

In response to the above concerns, we submit that revised floorspace guidelines would be appropriate, if any floorspace guidelines are required. In short, we suggest the following, in order of preference:

1. Remove all floorspace limits within the Neighbourhood Centre zoning objective³, with confirmation that a Supermarket (as defined by the *Retail Planning Guidelines, 2012*) is *Permitted in Principle*, subject to all normal development management considerations; or,
2. Amend the floorspace limit within the Neighbourhood Centre zoning objective with confirmation that a "single shop unit" / "Shop (Convenience)" up to 1,750 sqm net (convenience) is *Permitted in Principle*, subject to all normal development management considerations; or,
3. Amend floorspace limit within the Neighbourhood Centre zoning objective with confirmation that "No single shop unit shall be greater than 1,750 sqm net convenience floor area" however providing further granularity under the *Permitted in Principle* and *Open for Consideration* headings, i.e. that a *Shop (Convenience) ≥1,200 net convenience is Permitted in Principle* and that *Shop (Convenience) ≥1,750 net convenience is Open for Consideration*.

The above options would in our opinion resolve the primary concern arising in relation to the potentially prejudicial restriction of *qualitatively* appropriate scale of retail in Neighbourhood Centre locations. We propose no. 1 in the first instance, however nos. 2 or 3 could potentially mitigate the issue to varying degrees.

As noted above, in the event of no change to the Neighbourhood Centre classification, our client requests that the site revert to the Commercial / Residential zoning.

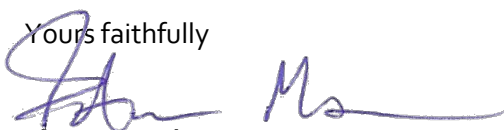
3.0 CONCLUSION

We trust the above is of interest and will be considered by the Planning Authority and look forward to the publication of the *Carlow County Development Plan 2022-2028* in due course.

In our opinion, the proposed modifications to the Material Alterations are in line with the core principles of both local and national policies and should be incorporated accordingly.

Should you have any queries or require any further information in relation to the above please do not hesitate to contact me.

Yours faithfully



Fintan Morrin

Associate

The Planning Partnership

³ i.e. under both the 'Objective and Guidance' heading and 'Permitted in Principle' heading in Table 16.9.