



Sustainability and Modern Society



Adult Continuing Education
Seminar Series

Are Modern Society & Sustainability Compatible?

- ❖ Dr Benedicte Sage-Fuller, Faculty of Law, UCC
- ❖ William Brady, Planning and Sustainable Development, UCC



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Planning and Law around Sustainable Development

Operationalising Sustainable
Development

*William Brady Planning and
Sustainable Development, UCC*



Outline

- planning and the common good
- some conceptual challenges
- triangles, circles and some other shapes
- case study



planning...is concerned with balancing needs of...

people

territory

activity





planning...is concerned with balancing;

society

environment

economy





planning...is concerned with ...

balancing needs of

SOCIETY
ECONOMY
ENVIRONMENT

through

decision making

the future

about
↑

knowledge

+

information

justified by

intervention

[personal freedom]
[the market]

requiring

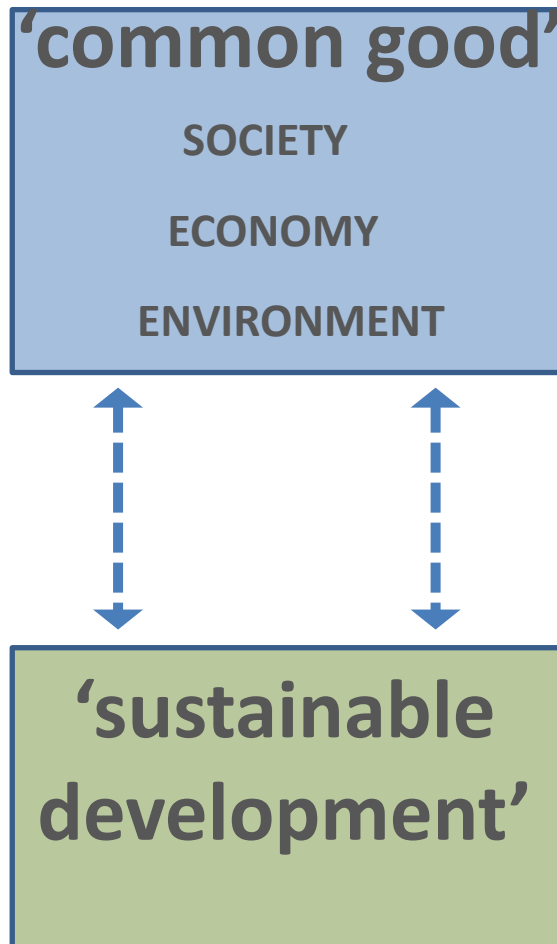
professional judgement

political imperatives

+

based on
↓

'common good'





some challenges...

- **prediction**
- **time**
- **rationality**
- **legitimacy**
- **invisibility**
- **intervention**

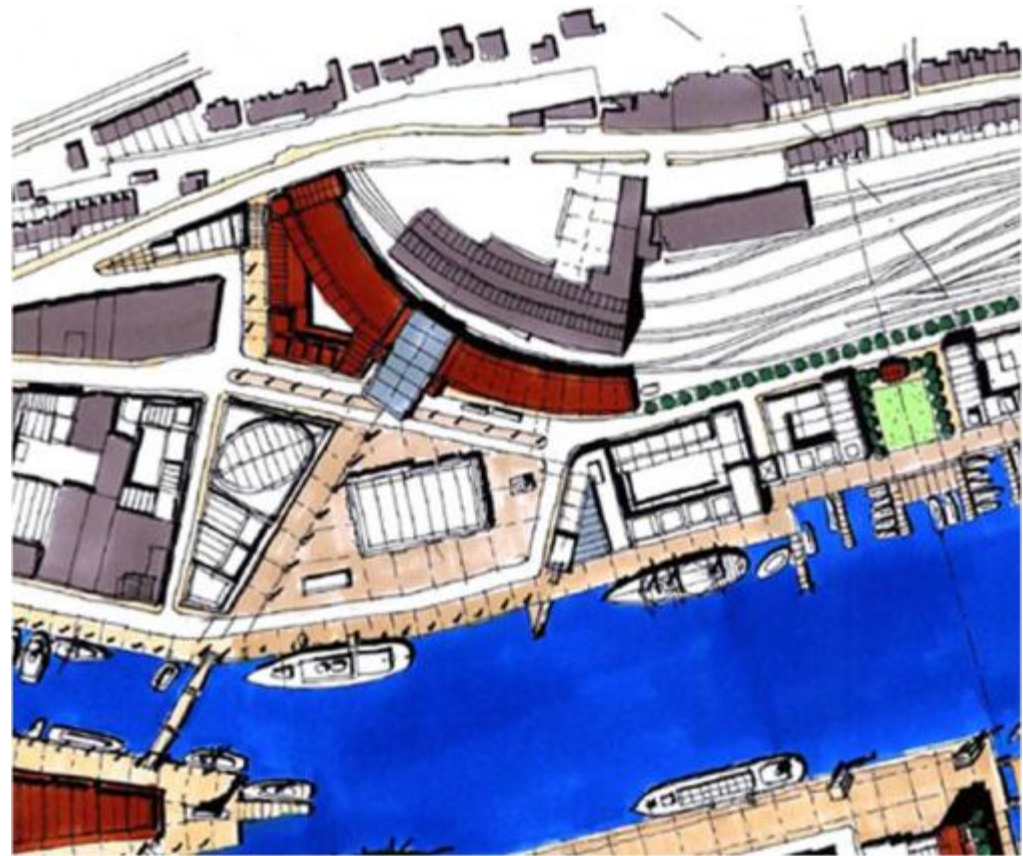


some challenges...

Prediction

[assumptions.....]

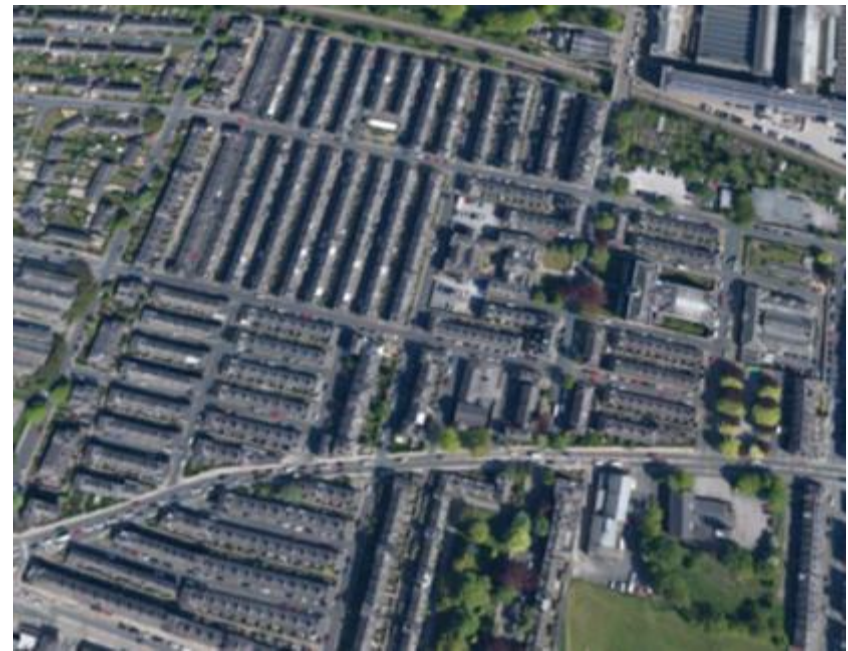
- demographics
- markets
- technology
- lifestyle
- climate





some challenges...

Time





some challenges...

Time



LIMERICK POST • Saturday 1 December 2007

News 13

Knock and rebuild theme in transformation of city

Demolition of 15-year-old Cruises Street on agenda

by Marie Huddles

THOUGH Cruises Street has been light of day only 15 years ago, there are now proposals to demolish it and replace it with a new scheme.

Redevelopment is planned to enhance the riverside setting.

The proposed scheme will include the park, the demolition of Sandford House to create a space to complement an open

Street will allow for the construction of a new square, leading on to Patrick Street.

The city centre strategy outlines plans to link a new development of multi-purpose buildings on

square is planned for the junction of Patrick Street and Sandford Street.

The proposed town pattern reflects the grain of adjoining streets. Sandford Street, Ellen Street and Henry Street

Street and Sandford Street.

From Patrick Street, the buildings will gradually increase in height towards the river, and it is envisaged that at least

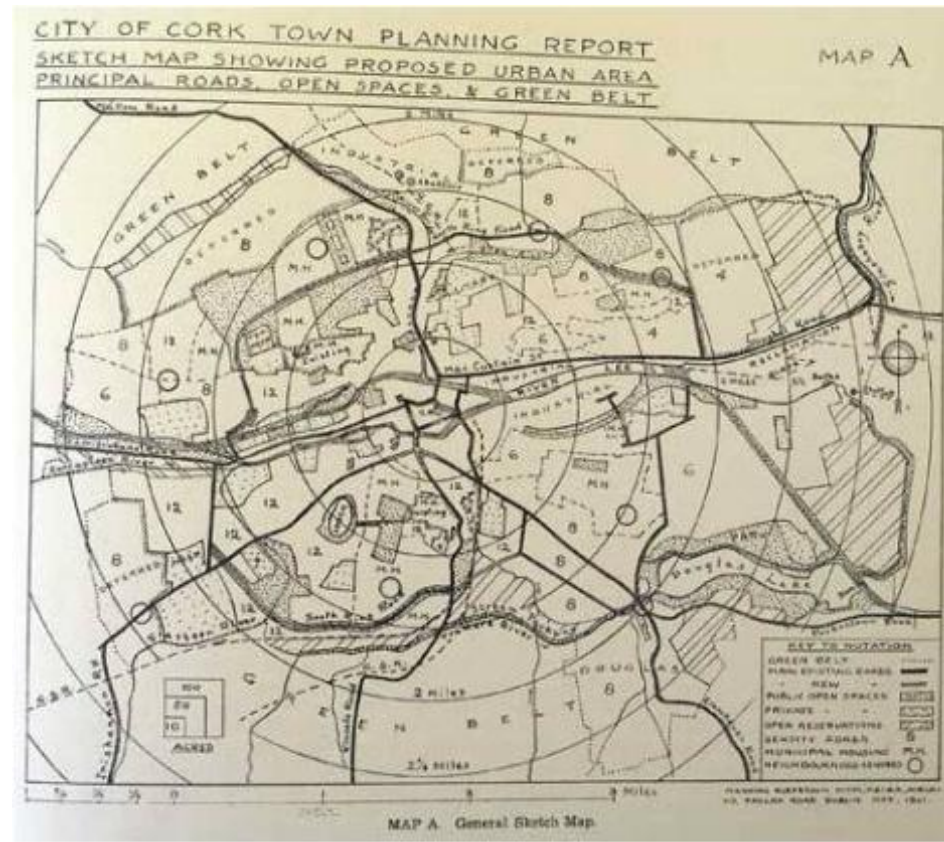
two major retailers will be accommodated within the new structure, which would be located along the waterfront.

It is also envisaged that upper floors would be predominantly residential - high quality apartments for a variety of uses, including hotels, with spectacular views of the river Shannon and King John's Castle.



some challenges...

Time





some challenges...

Rationality

“every profession is a conspiracy against the laity”

George Bernard Shaw



some challenges...

Rationality





some challenges...

Rationality

- consultation
- engagement
- consensus



some challenges...

Legitimacy

an idealized planning system[Rittel and Weber]

“...seen as an on-going, cybernetic process of governance, incorporating systematic procedures for continuously searching out goals; identifying problems; forecasting uncontrollable contextual changes; inventing alternative strategies, tactics, and timesequence actions; stimulating alternative and plausible action sets and their consequences; evaluating alternatively forecasted outcomes; statistically monitoring those conditions of the publics and of systems that are judged to be germane; feeding back information to the simulation and decision channels so that errors can be corrected all in a simultaneously functioning governing process.

...we all know that such a planning system is unattainable, ...it is even questionable whether such a planning system is desirable”

Dilemmas in a General Theory of Planning, 1973

HORST W. J. RITTEL

Professor of the Science of Design, University of California, Berkeley

MELVIN M. WEBBER

Professor of City Planning, University of California, Berkeley



some challenges...

Legitimacy

Planning as a Wicked Issue *[object of analysis is what?]*

***All** society and **All** territory*

- the problems of planning ill-defined;
- rely upon elusive political judgment for **resolution**.
(Not "solution.")
- Social problems are never solved. At best they are only re-solved--over and over again.)



some challenges...

Legitimacy

Keeble, Lewis (1963) *Principles and Practice of Town and Country Planning*

Planning is a subject in which there is room for endless debate, and this creates an extremely difficult problem. Planning is mainly concerned with every-day things—houses, shops, roads and playing-fields, and as regards those aspects of such things with which Planning is particularly concerned there is seldom any very abstruse technical detail involved. The subject-matter lies within the experience of the lay member; he thinks he knows all about it and tends to be scornful of technical advice, which he regards as elaborate theorising. What he usually fails to realise is that the art of Planning lies in establishing satisfactory spatial and other relationships between these simple ingredients, that this is a complicated, though not a mysterious, business, and that he doesn't know as much as he thinks.



some challenges...

- **Invisibility**





some challenges...

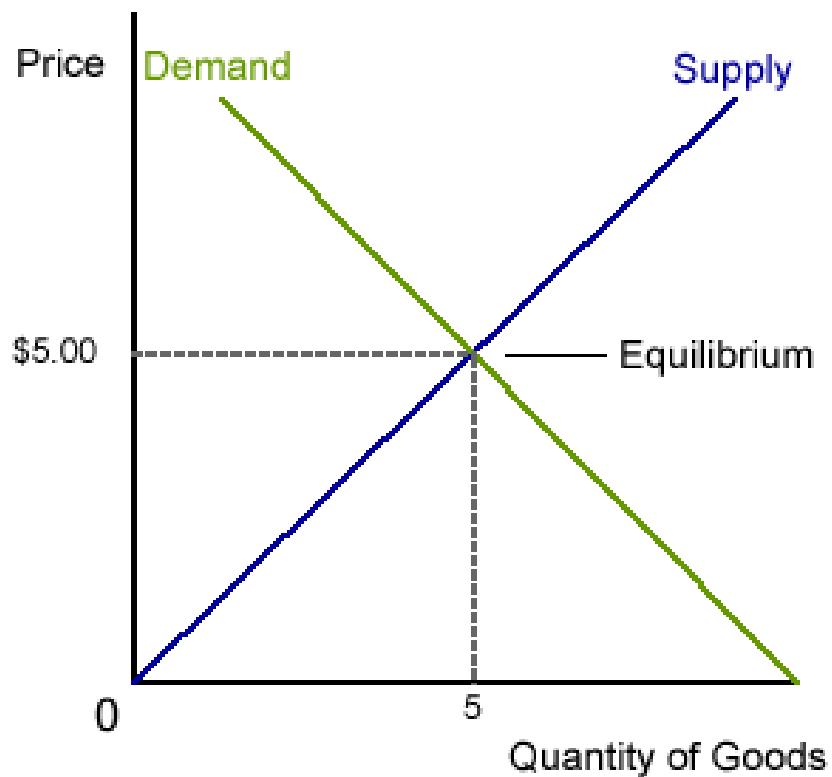
- Invisibility





some challenges...

Intervention





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some challenges...

Intervention

“...keeping jobs locked up in filing cabinets” [Michael Heseltine 1979]

“We are taking on the enemies of enterprise: The government bureaucrats who concoct those ridiculous rules and regulations that make life impossible, particularly for small firms..” [David Cameron 2011]





some challenges...

Intervention

The Reform Agenda

*"We are unravelling this complex system, putting the community back in charge of how their area develops and saving the public purse £16m [!] at the same time. This is another step in wresting control from the **bureaucrats**, stopping the top down diktats and axing unelected, ineffective quangos.*

[Secretary of State for Communities and Local Government - England]



some challenges...

Intervention

Two key features in The Localism Act

1. **NPPF** - being shrunk from 1,000 to 49 pages.
2. **Neighbourhood Planning**-opportunities are being opened up for 'local communities' to prepare their own [statutory] plans

BUT - neighbourhood plans to be *"in line with national planning policy, with the strategic vision for the wider area set by the local authority, and with other legal requirements, local people will be able to vote on it in a referendum."*



some challenges...

Intervention

draft *National Planning Policy Framework*

Greg Clark said:

"Clarity in planning has become lost in translation. National planning policy and central government guidance has become **so bloated that it now contains more words than the complete works of Shakespeare**, making it impenetrable to ordinary people.

Environment Secretary Caroline Spelman said:

"Our Natural Environment White Paper set out how we will not only continue to protect our countryside and green spaces, but improve them. This new planning framework will help make this a reality. **It will give local communities the power to protect green spaces that mean so much to them**



some challenges...

Intervention

draft *National Planning Policy Framework*

Chair of the Major Developers Group, Sir Stuart Lipton said:

"We are delighted with the results of the proposals in the Framework ... We have for years suggested that the planning system, with its accumulation of **layers of directives and strategies** needed radical reform. We support the strategies of the Framework which we feel will provide a more effective planning system. It will have regard for a balance of the interests of the community, the environment and the **growth agenda**."



some challenges...

Intervention

draft *National Planning Policy Framework*

Head of external affairs at the Royal Institute of Chartered Surveyors Stephen Thornton, said:

"The Royal Institute of Chartered Surveyors welcomes the Government's draft National Planning Policy Framework as a significant step forward in **unlocking the planning system to deliver the growth required by UK Plc**. We are pleased to see this concise outline of national planning policy at a strategic level rather than the thousands of pages of guidance that currently lose the thrust of what the Government is trying to achieve."



Role of Planning

Sustainable Development: A Strategy for Ireland (1997)

... identifies 4 key ways in which **development plans** can contribute to the achievement of sustainability.

- Encouraging efficiency in the use of *energy, transport* and *natural resources* through the careful **location of** residential, commercial and industrial **development** and by **controls on the shape, structure and size of settlements**



Role of Planning

Sustainable Development: A Strategy for Ireland (1997)

- Promoting the most effective use of **already developed** areas
- Securing the **protection** and **enhancement** of the natural environment, including unique or outstanding features, landscapes and natural habitats
- Accommodating **new development needs** in an environmentally sustainable manner.



Role of Planning

Planning and Development Act [Amended 2010]

10. —(1) A development plan shall set out an overall strategy for the **proper planning and sustainable development** of the area of the development plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question.



Development Plans





The Planner's Triangle

Planners address 3 fundamental priorities

Economic
Development

Scott Campbell, *Green Cities, Growing Cities, Just Cities? Urban Planning and the Contradictions of Sustainable Development*
©Journal of the American Planning Association (Summer, 1996)



The Planner's Triangle

Planners address 3 fundamental priorities

Economic
Development

Environmental
Protection

Scott Campbell, *Green Cities, Growing Cities, Just Cities? Urban Planning and the Contradictions of Sustainable Development*
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The Planner's Triangle

Planners address 3 fundamental priorities

Equity/Social
Justice

Economic
Development

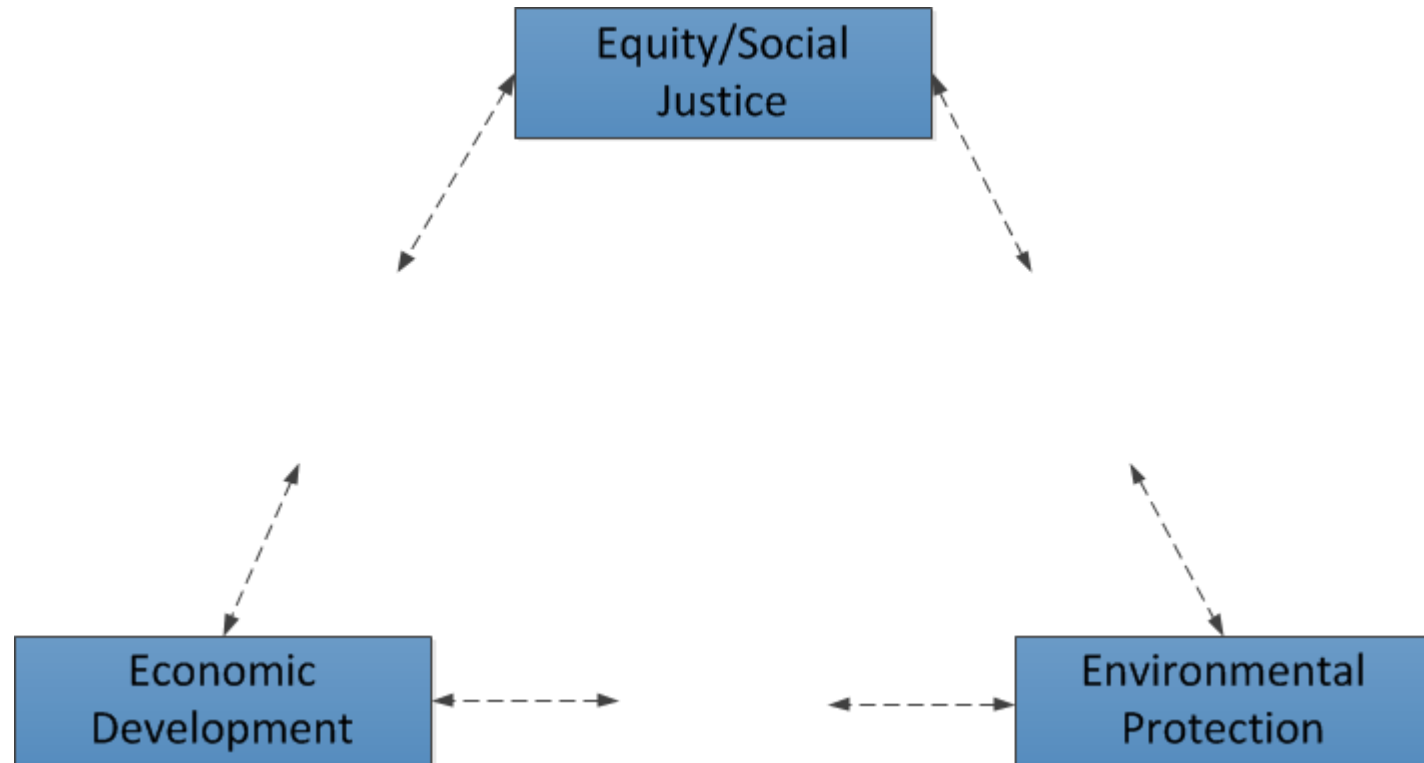
Environmental
Protection

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The Planner's Triangle

Planners address 3 fundamental priorities

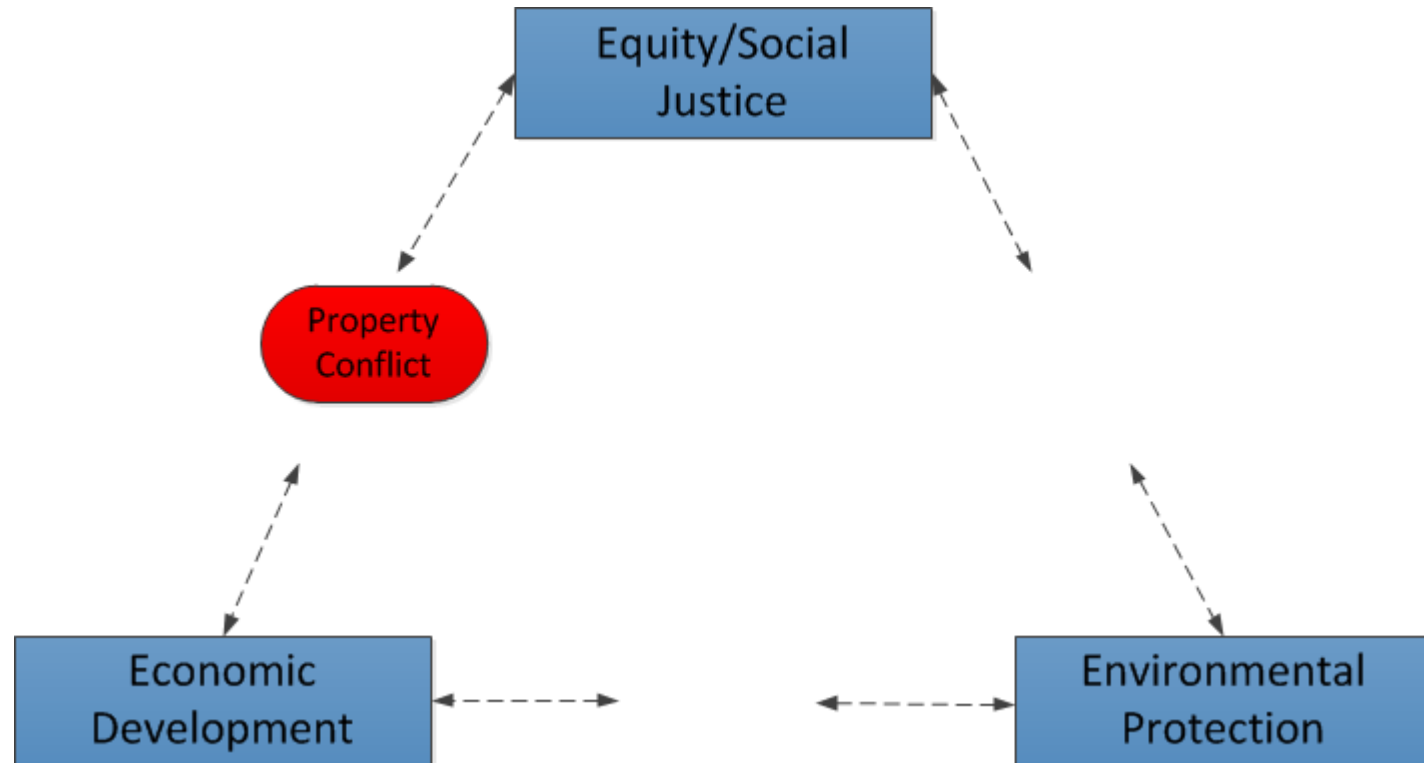


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The Planner's Triangle

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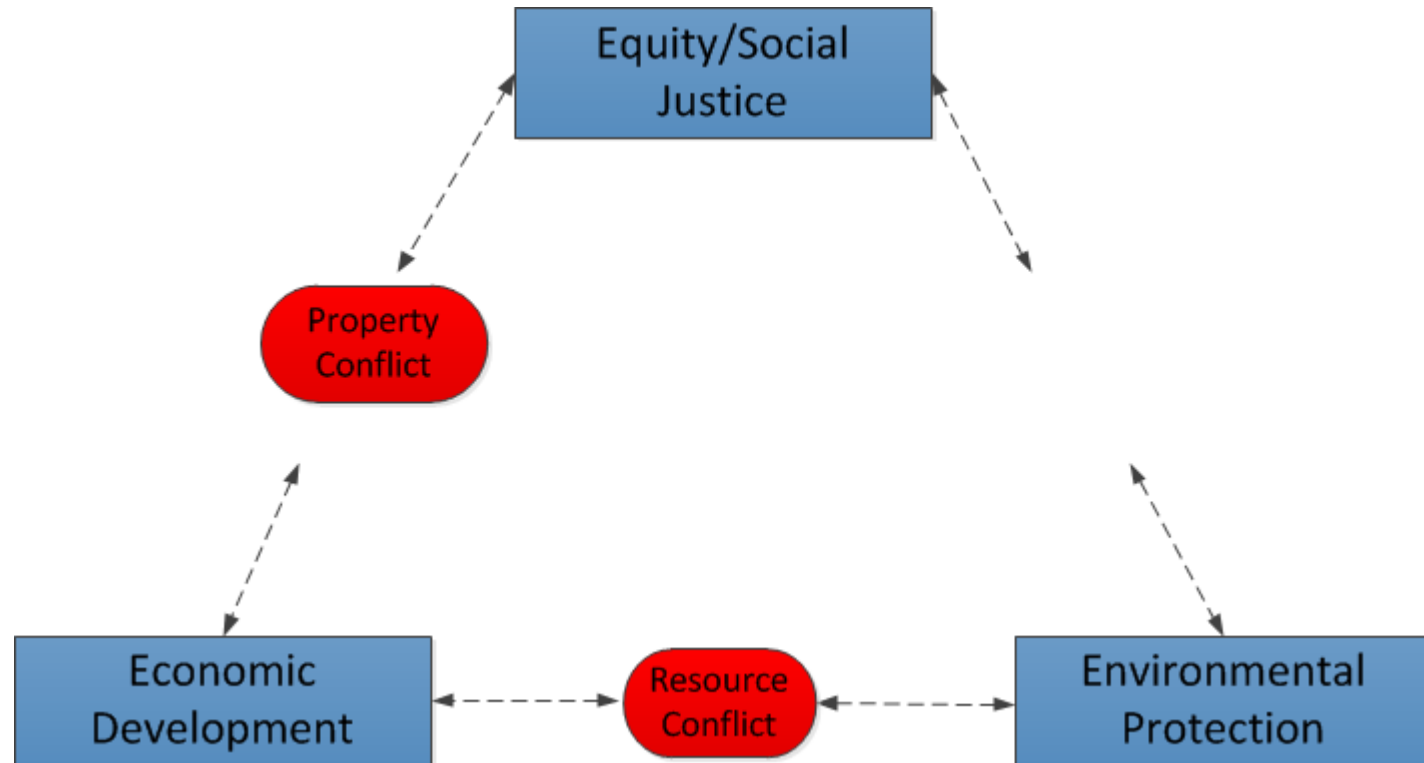


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The Planner's Triangle

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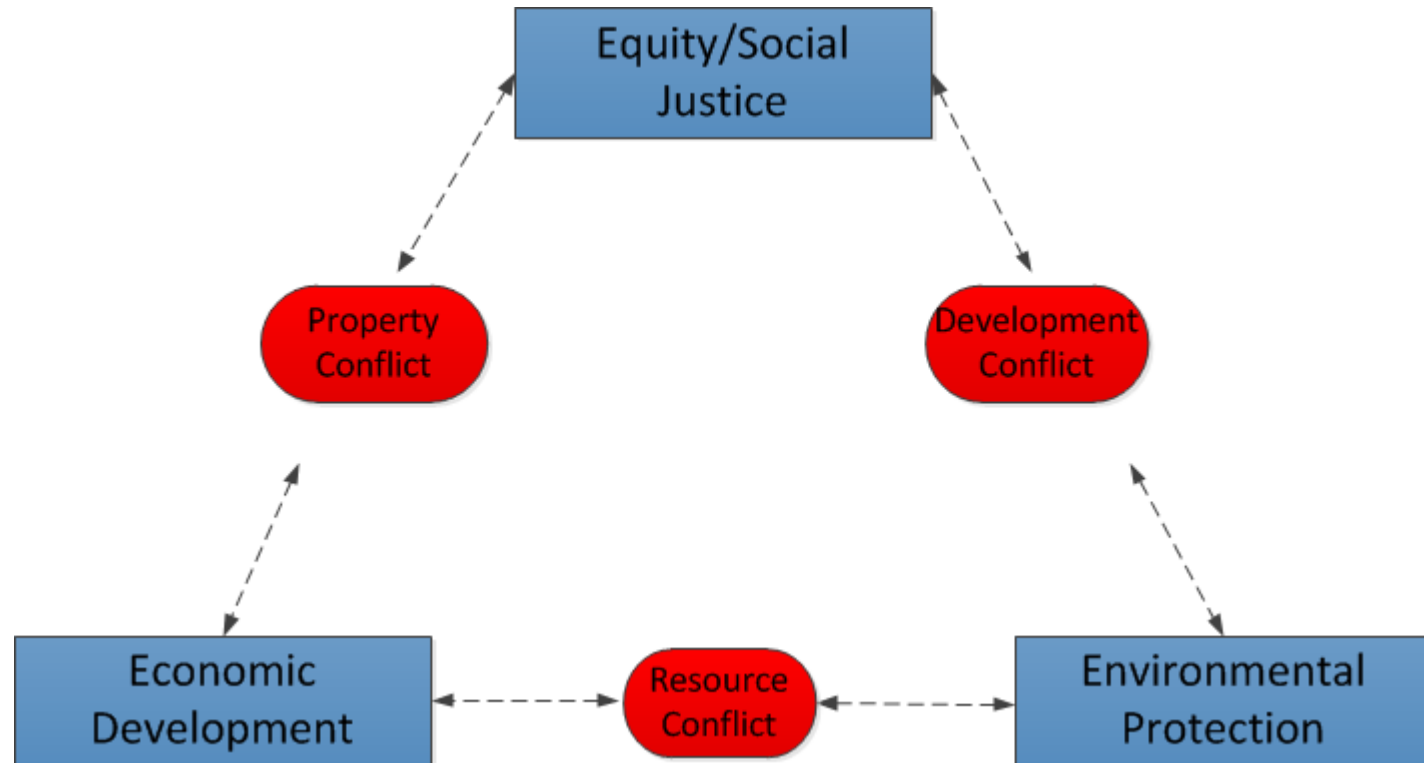


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The Planner's Triangle

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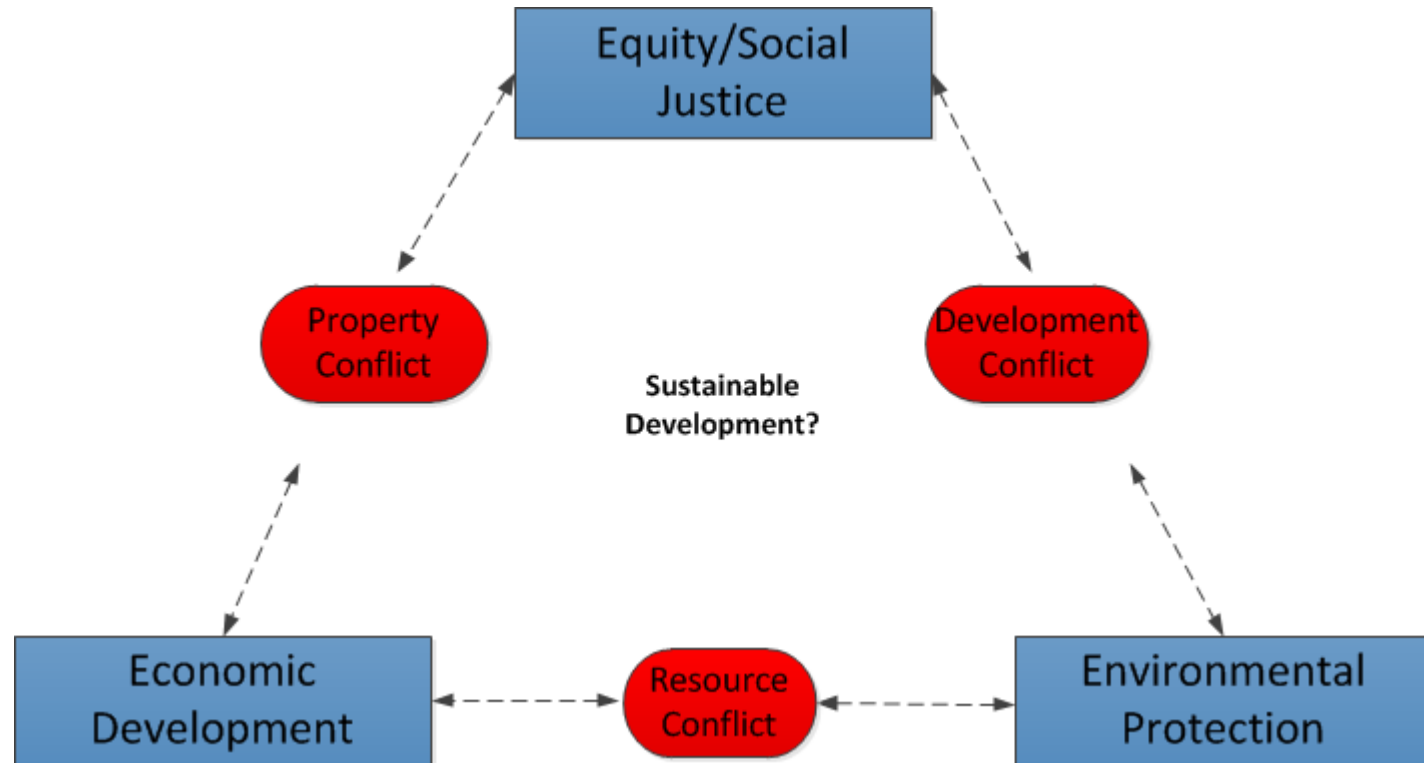


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The Planner's Triangle

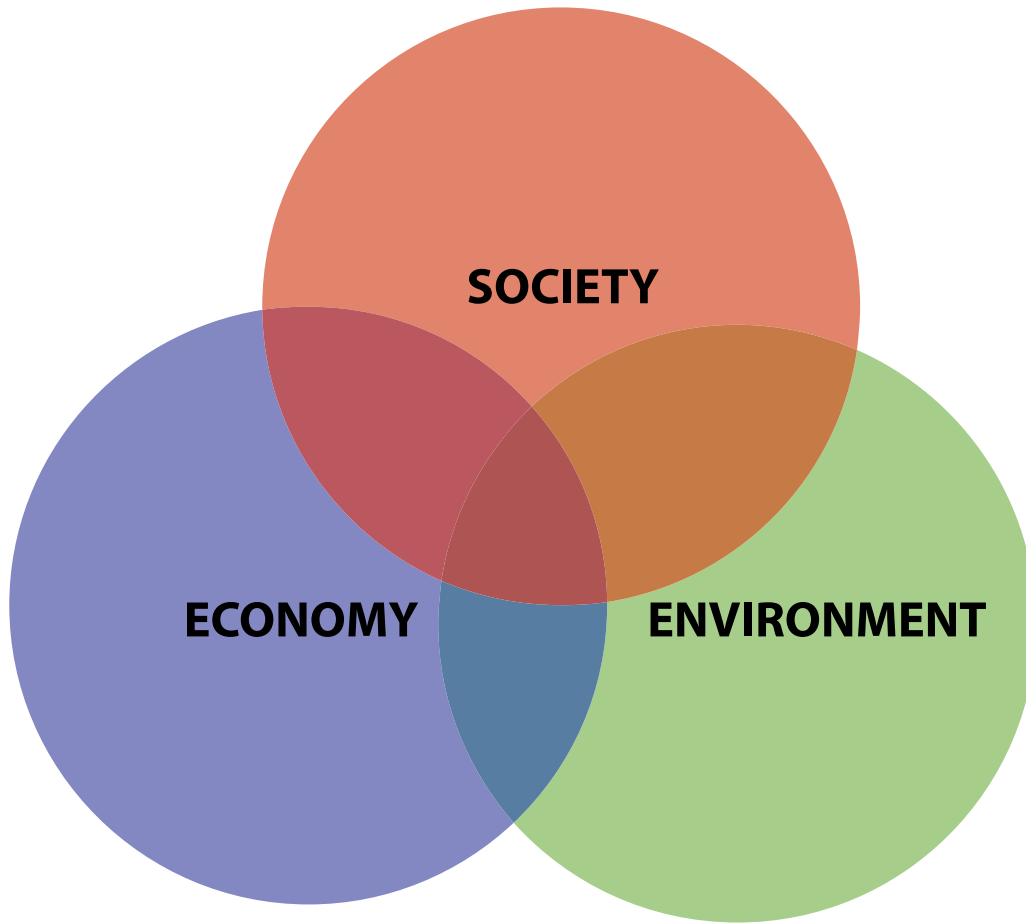
Planners address 3 fundamental priorities



Scott Campbell, *Green Cities, Growing Cities, Just Cities? Urban Planning and the Contradictions of Sustainable Development*
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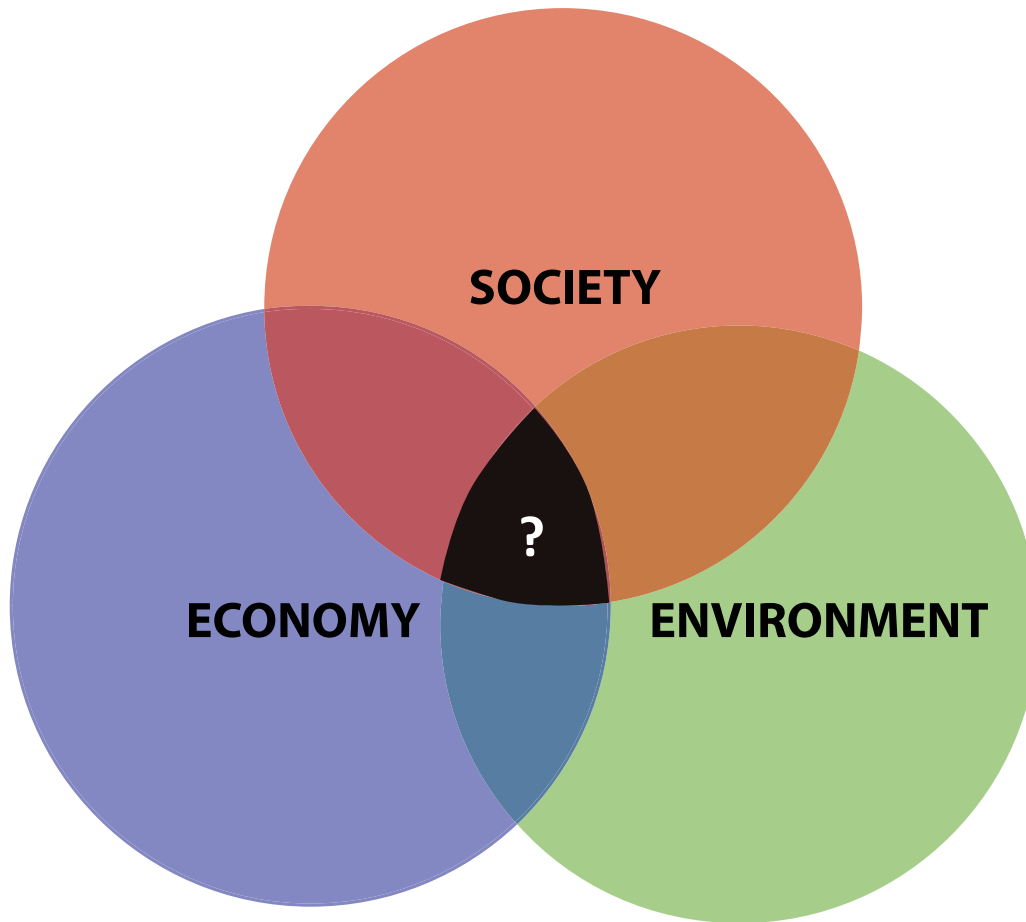


Balance and Cooperation



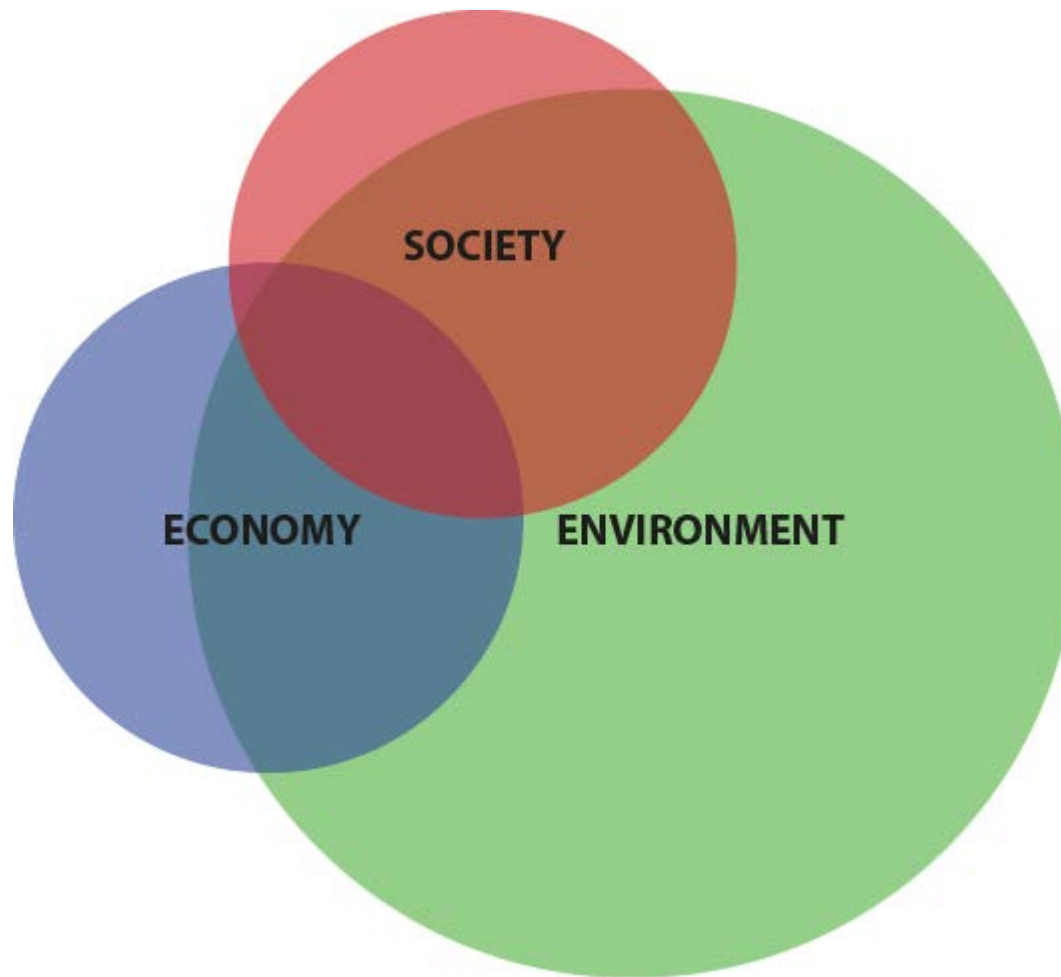


Balance and Cooperation



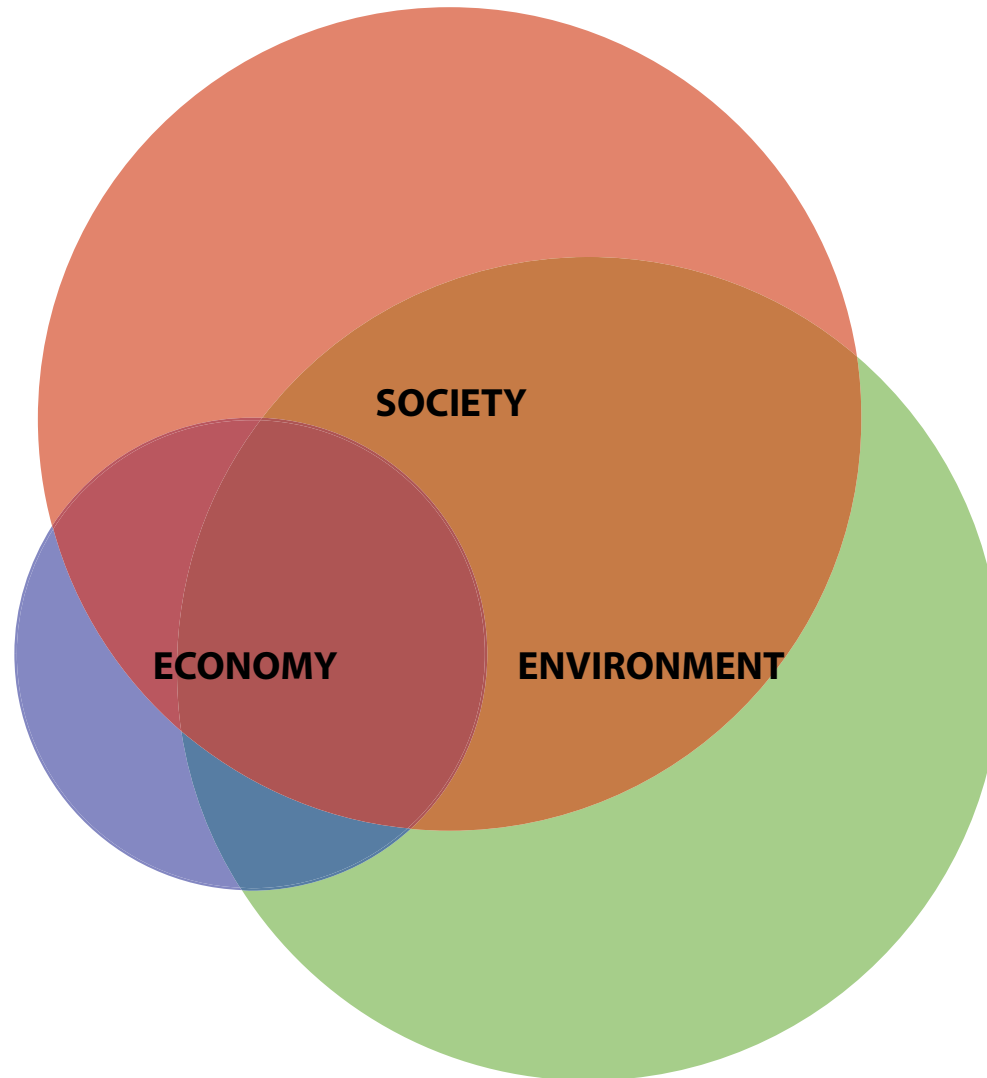


Priority



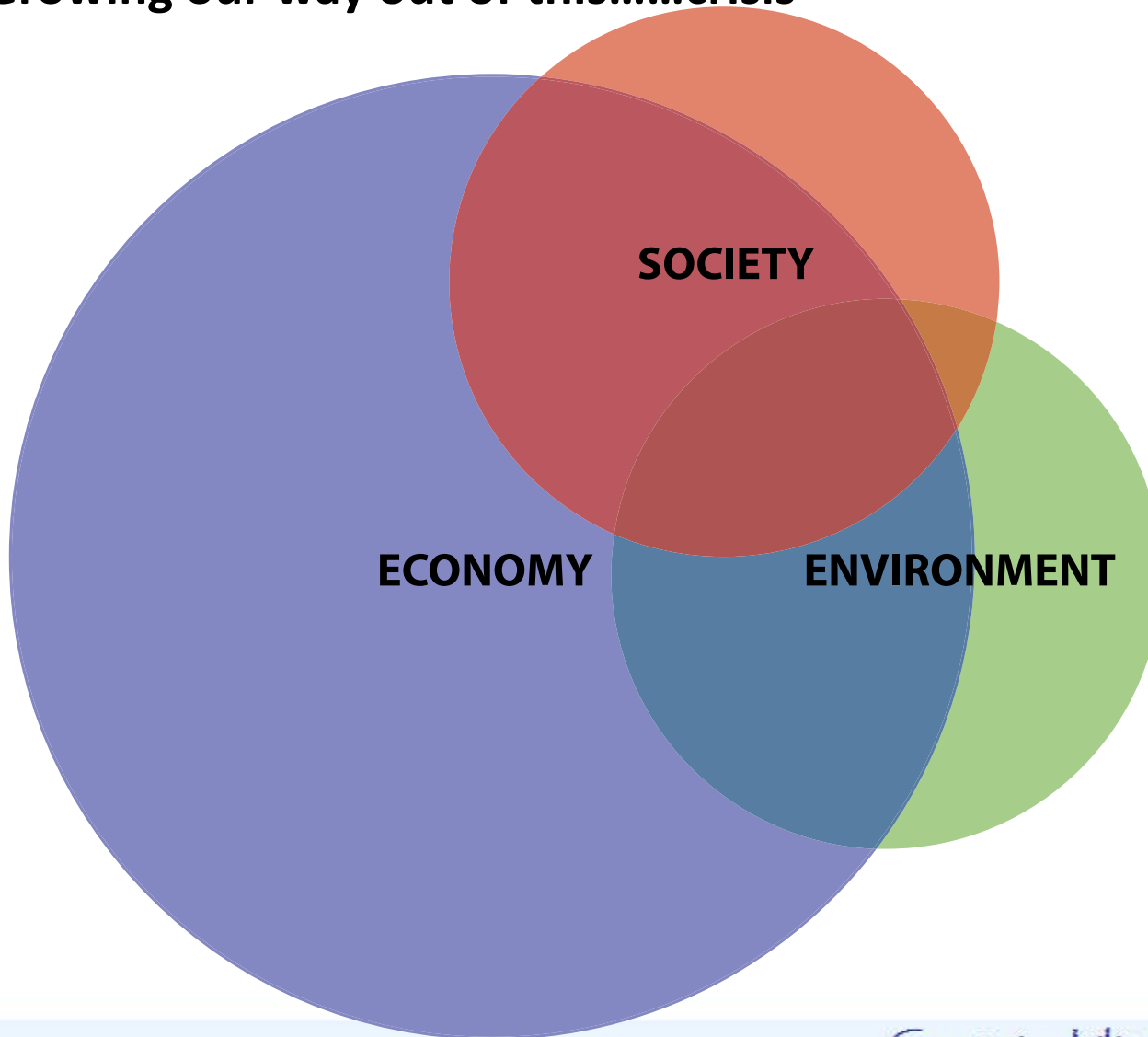


Priority





‘Growing our way out of this.....crisis’





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But.....

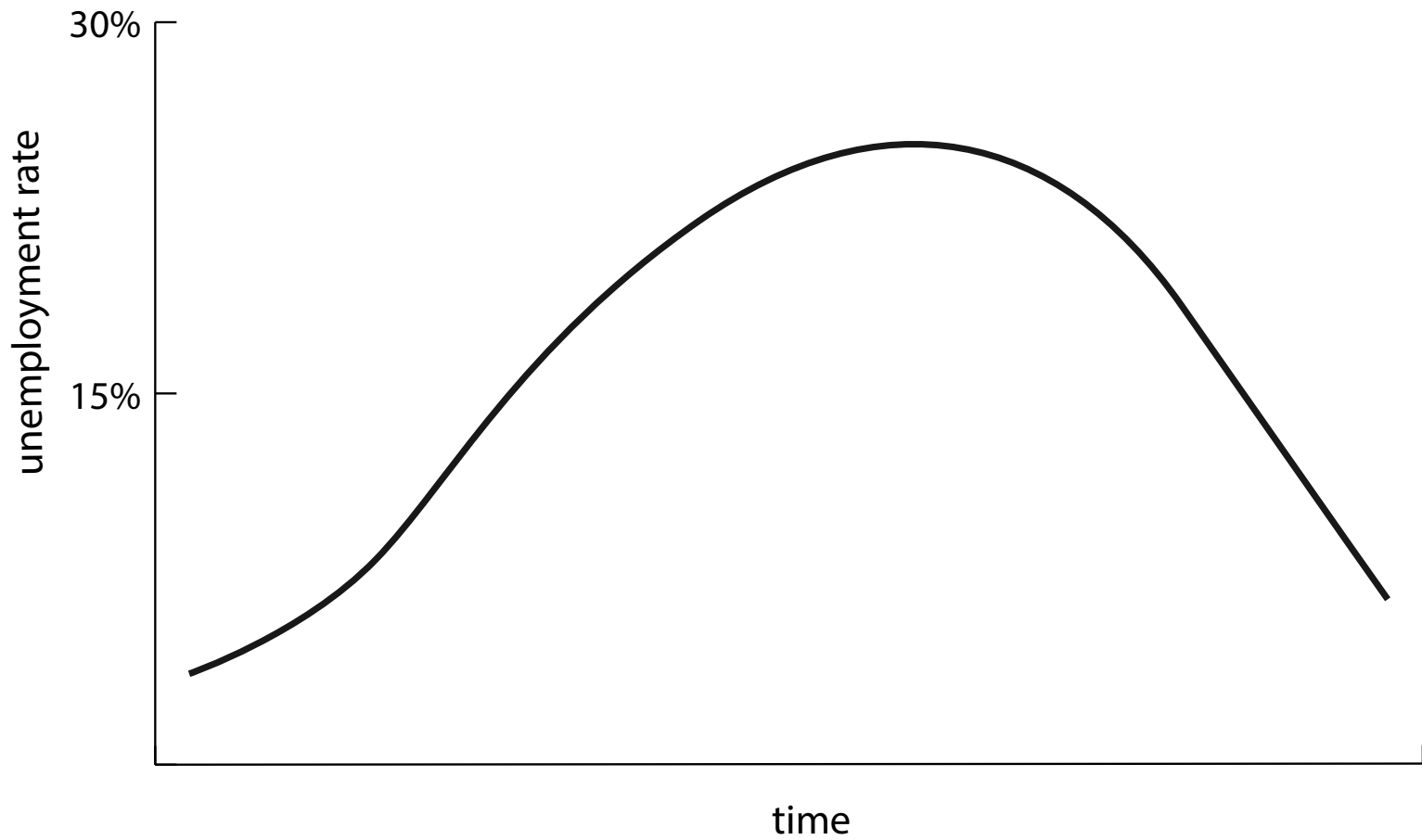


time



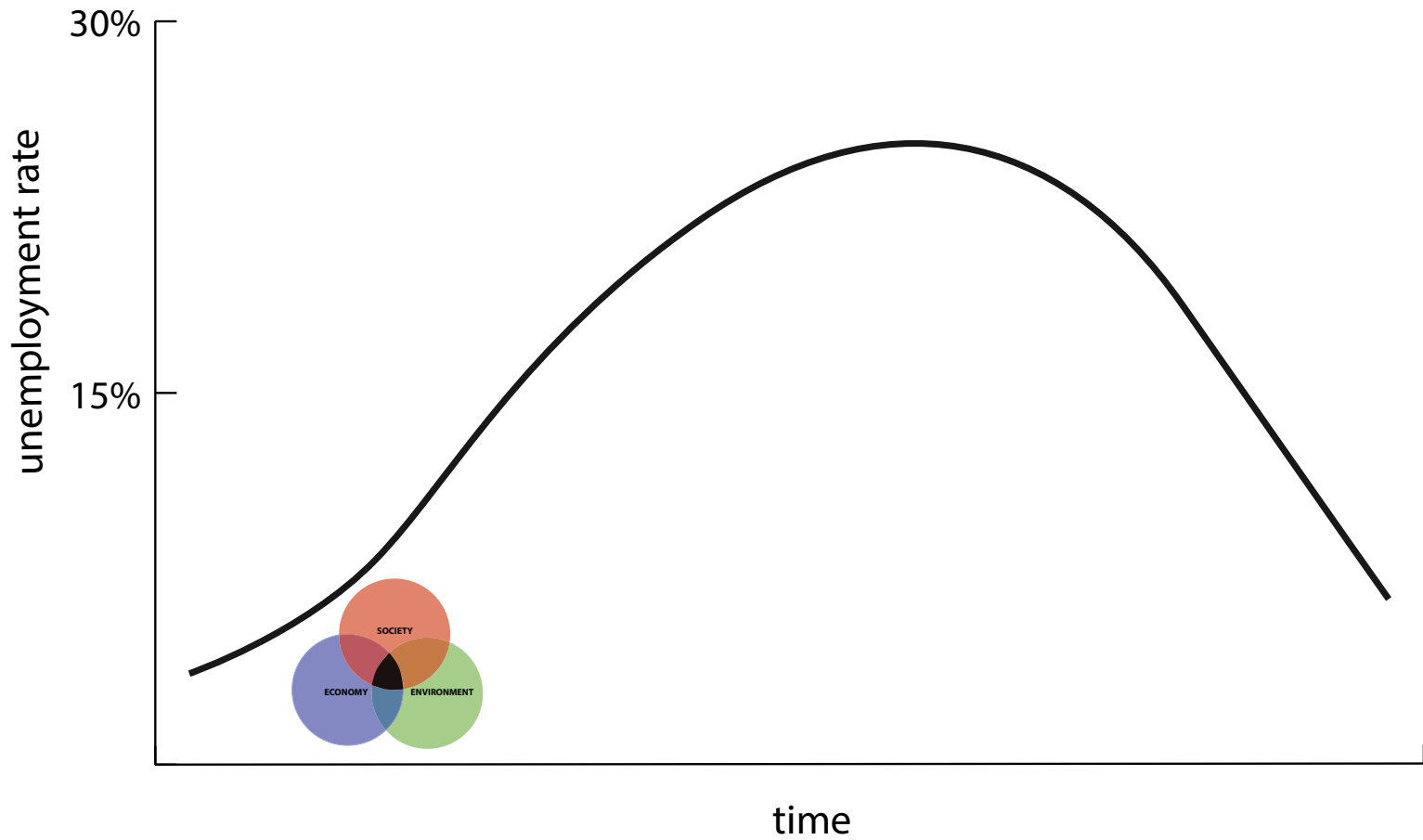
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Time



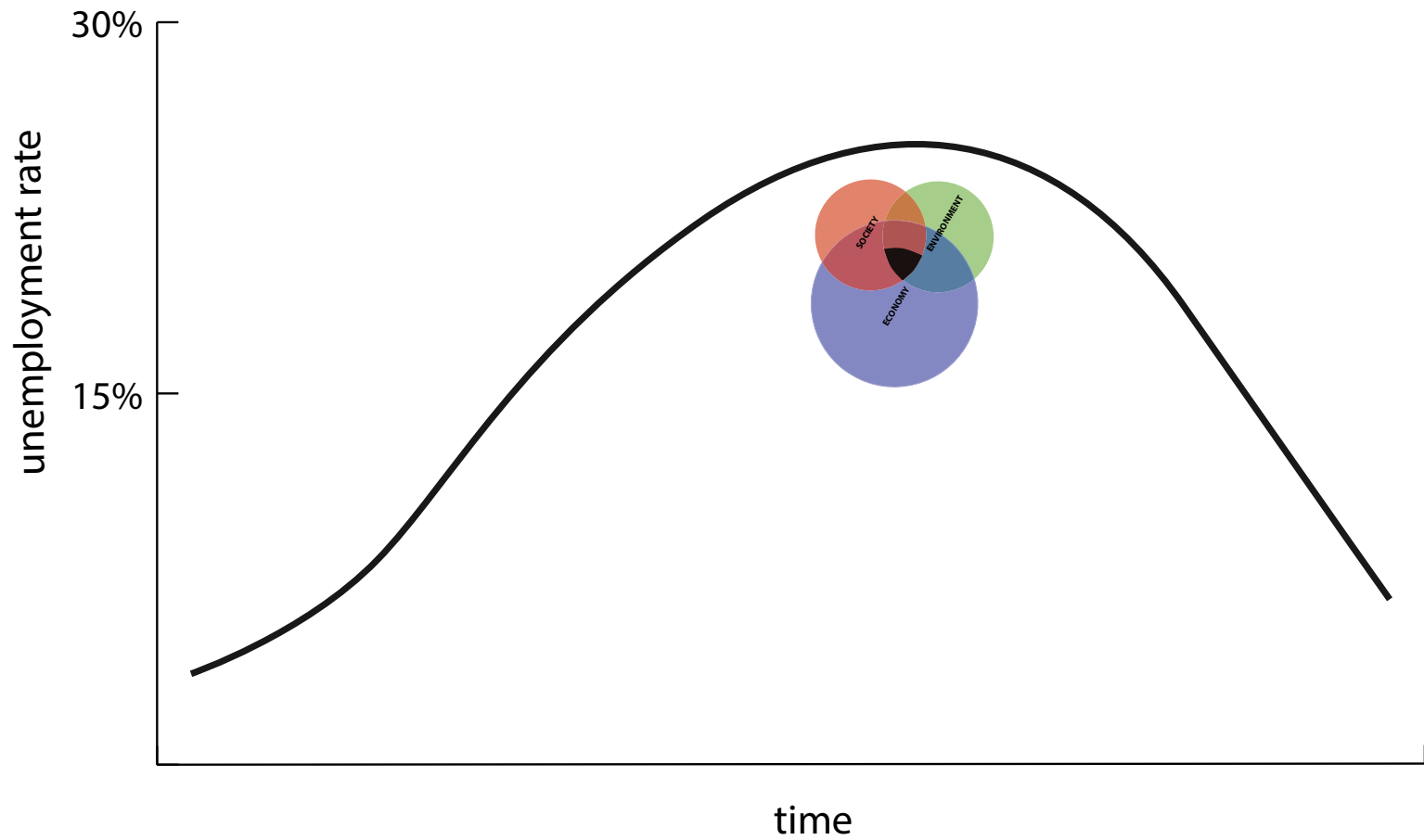


Time



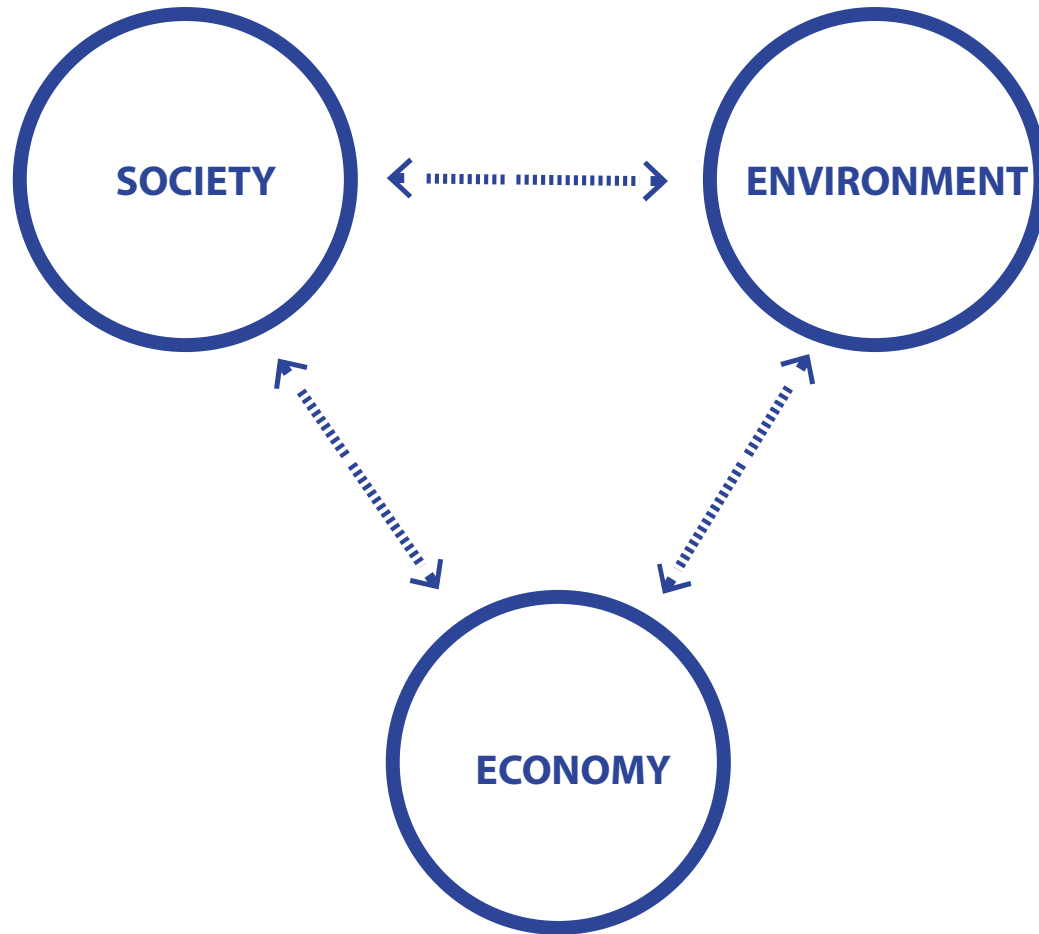


Time





The Planner's Triangle



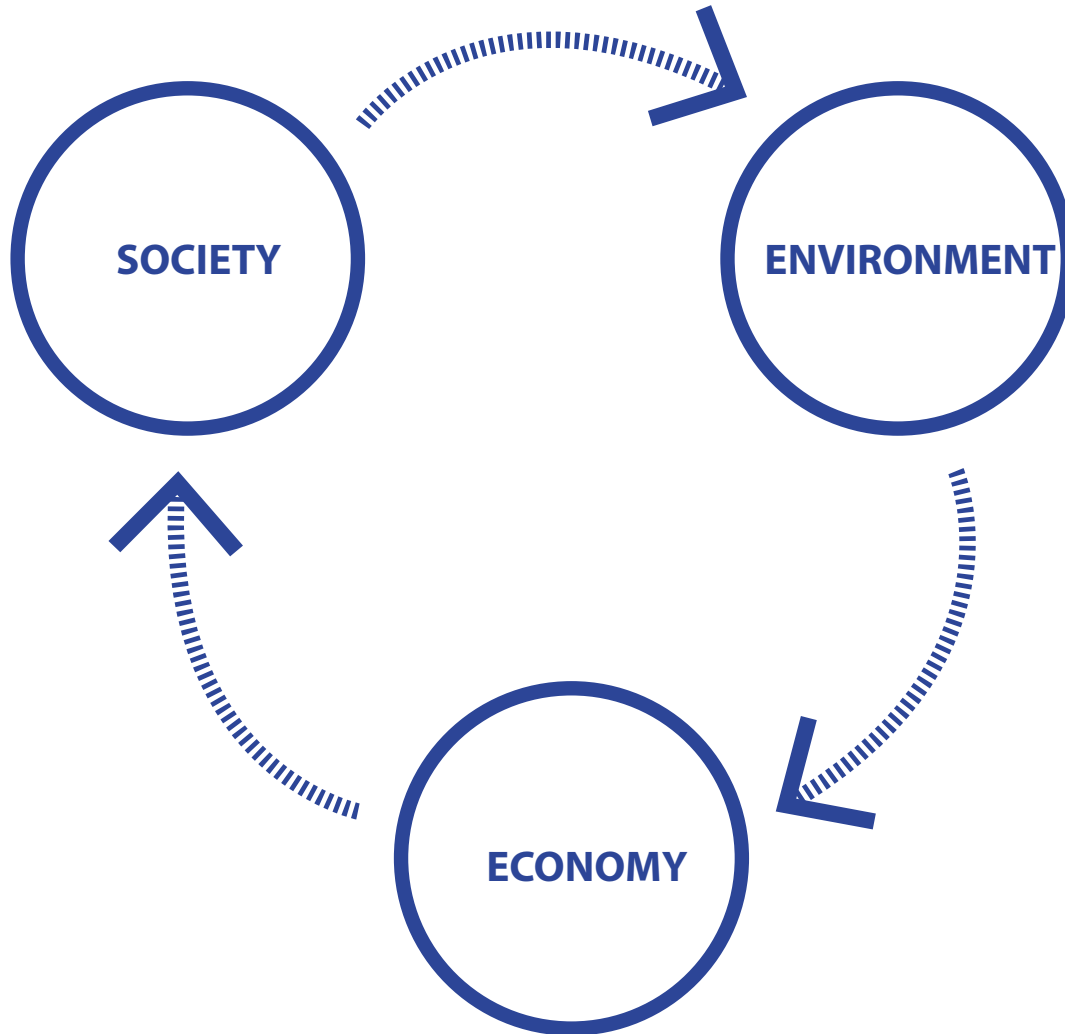


Sieve



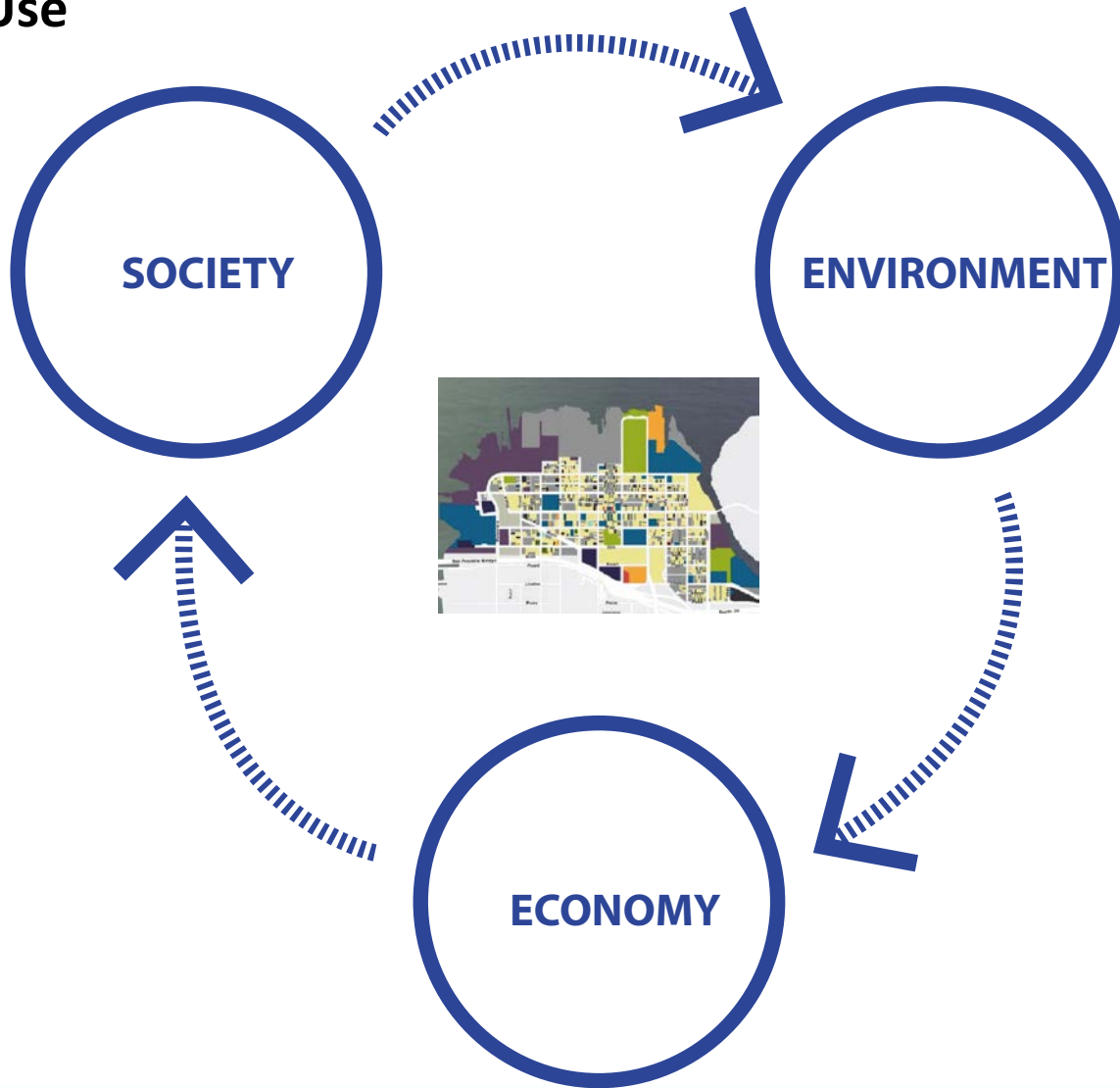


Loop



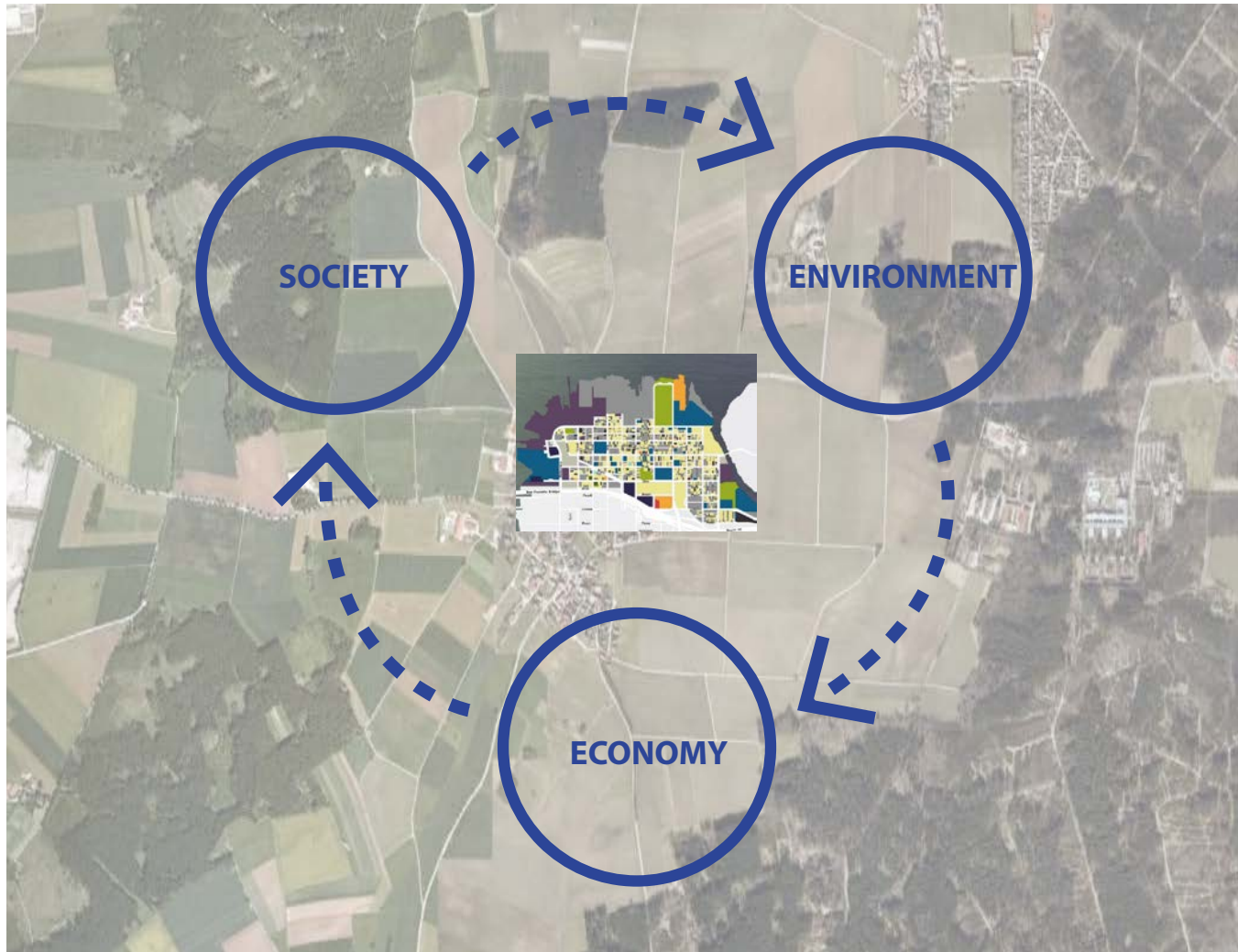


Land Use



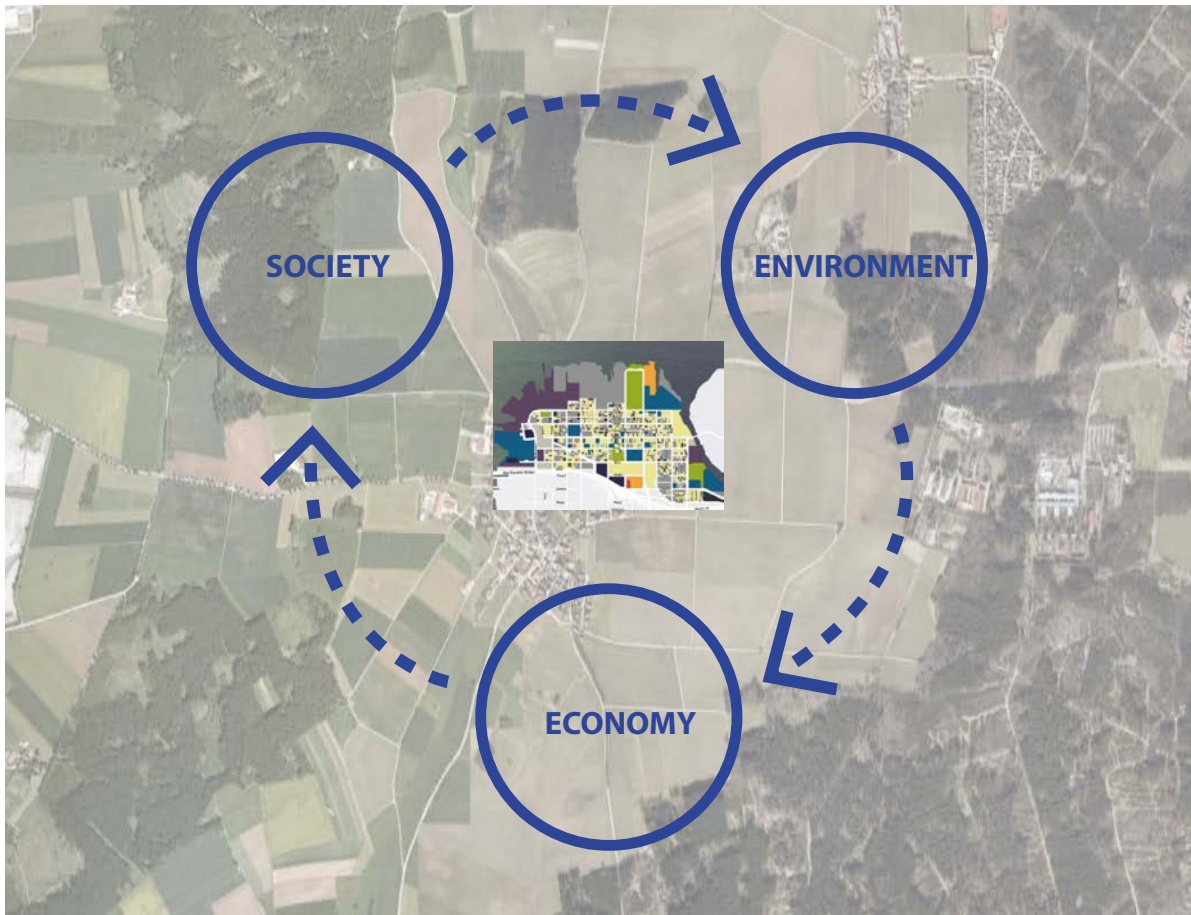


Location





Location





Simplified

Sustainable Development is about...planning...

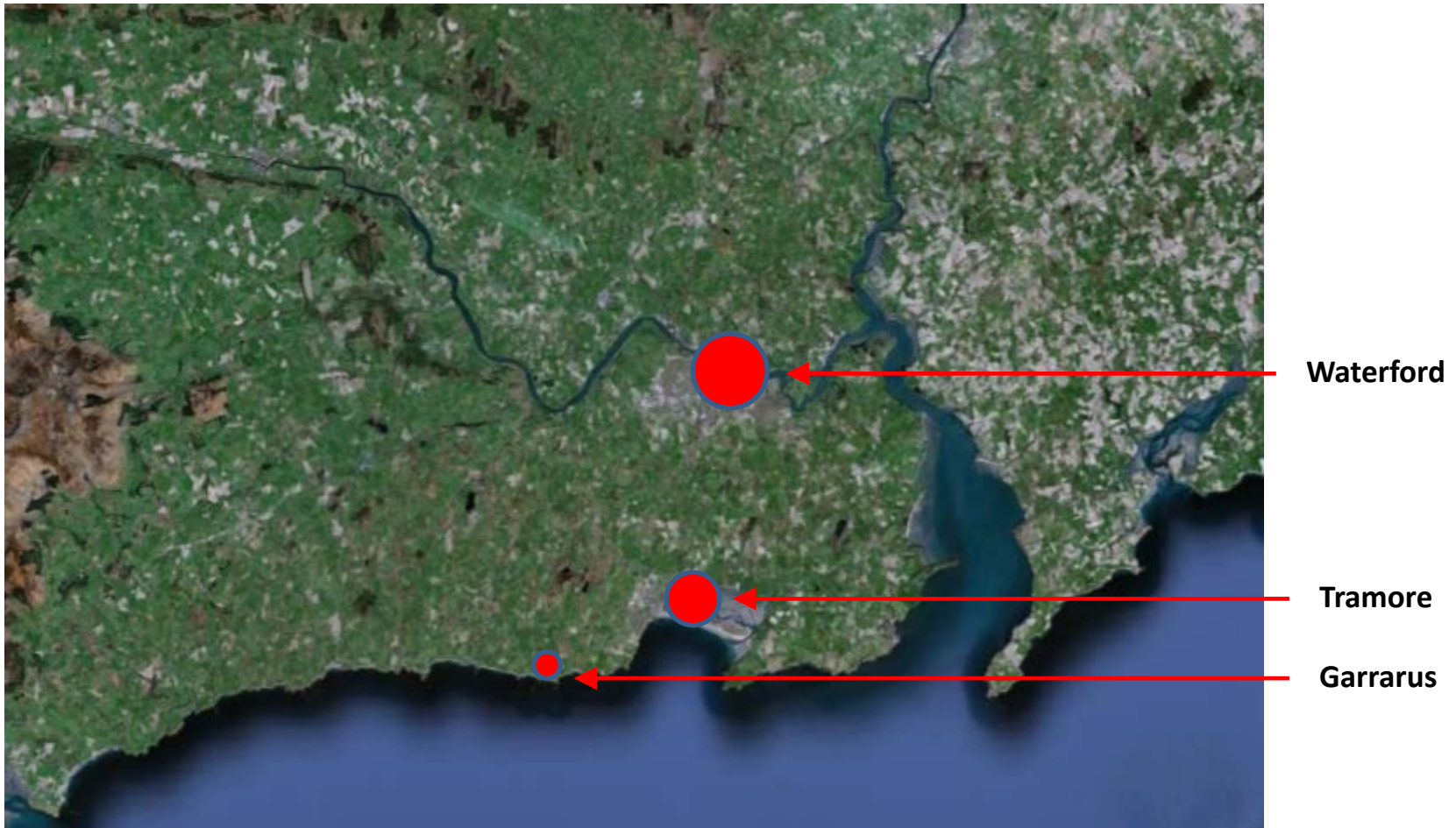
...The Right Thing **[Land Use]**

... In the Right Place **[Location]**

... At the Right Time **[Time]**

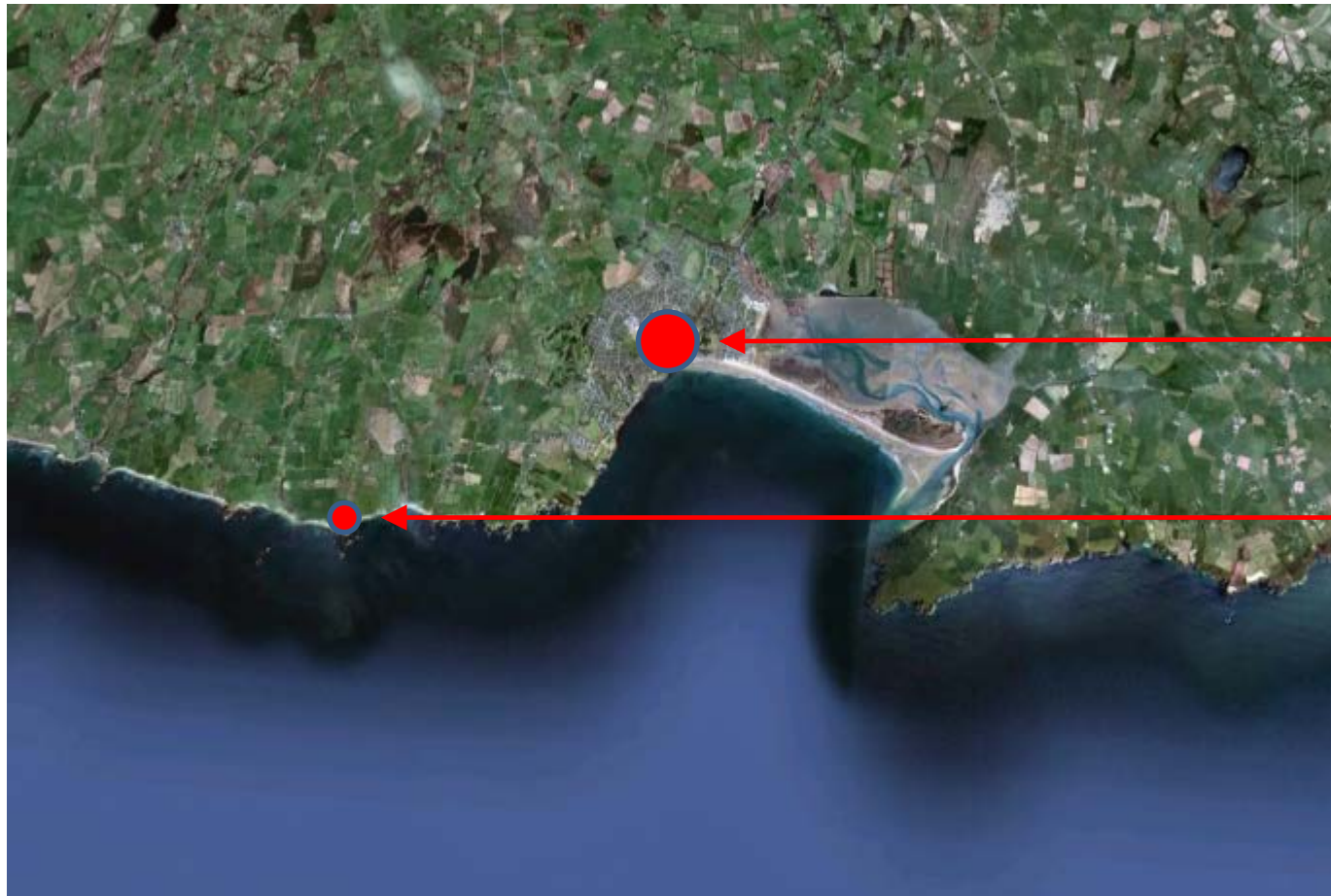


Case Study, Garrarus, Waterford [2008-2009]





Case Study, Garrarus, Waterford [2008-2009]



Tramore

Garrarus



Case Study, Garrarus, Waterford [2008-2009]

ordinary/spectacular





Case Study, Garrarus, Waterford [2008-2009]

ordinary/spectacular



- 142 bed hotel complex
- clubhouse, bar, restaurant, function room, spa and leisure centre
- 18 hole golf course
- 51 No. golfing lodges associated with the hotel
- 28 No. permanent executive houses
- Gate lodge
- Servicing area
- Landscaping, underground storage tank, carpark and associated site development works



Case Study, Garrarus, Waterford [2008-2009]

Designations + Policy



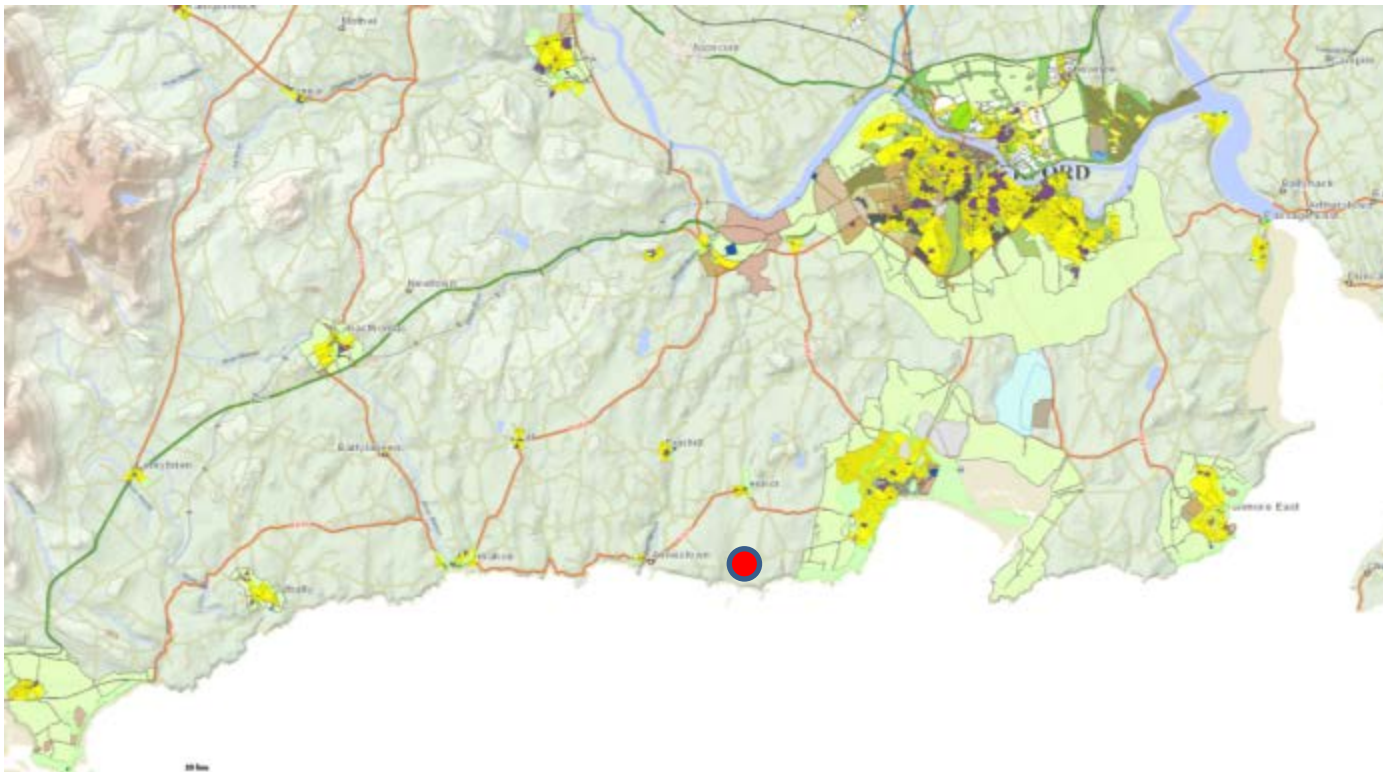
- IRTRC
- UNESCO GEOPARK
- NHA Site No.1694
- SPA Site No. 4194 [Birds' Directive]





Case Study, Garrarus, Waterford [2008-2009]

settlement structure





Case Study, Garrarus, Waterford [2008-2009]

Key Planning + Sustainability Issues?

...The Wrong Thing [**Land Use**] = houses/hotel/lodges/artificial cover

... In the Wrong Place [**Location**] = remote/cliff edge/designations/

... At the Wrong Time [**Time**] = no demand



Case Study, Garrarus, Waterford [2008-2009]

further information submitted

- f) *Human disturbance immediately adjacent to the roost will result in significant negative effects on the choughs. Details on the actual response of choughs to human disturbance (including that from the surveyor) on the fields close to the night roost.*

Over the 8-month period it was found that single / pair birds are more tolerant than larger groups. On most occasions the birds are not disturbed at a distance of over 100m, at between 50 – 100m the birds become wary and at distances of less than 50m the birds become quite wary. It is noted that on a very small number of occasions, birds on the ground have been walked past at a distance of less than 50m without causing them to fly. However it is noted that these responses are to a single occasional observer and there may be a different reaction to regular groups of people.



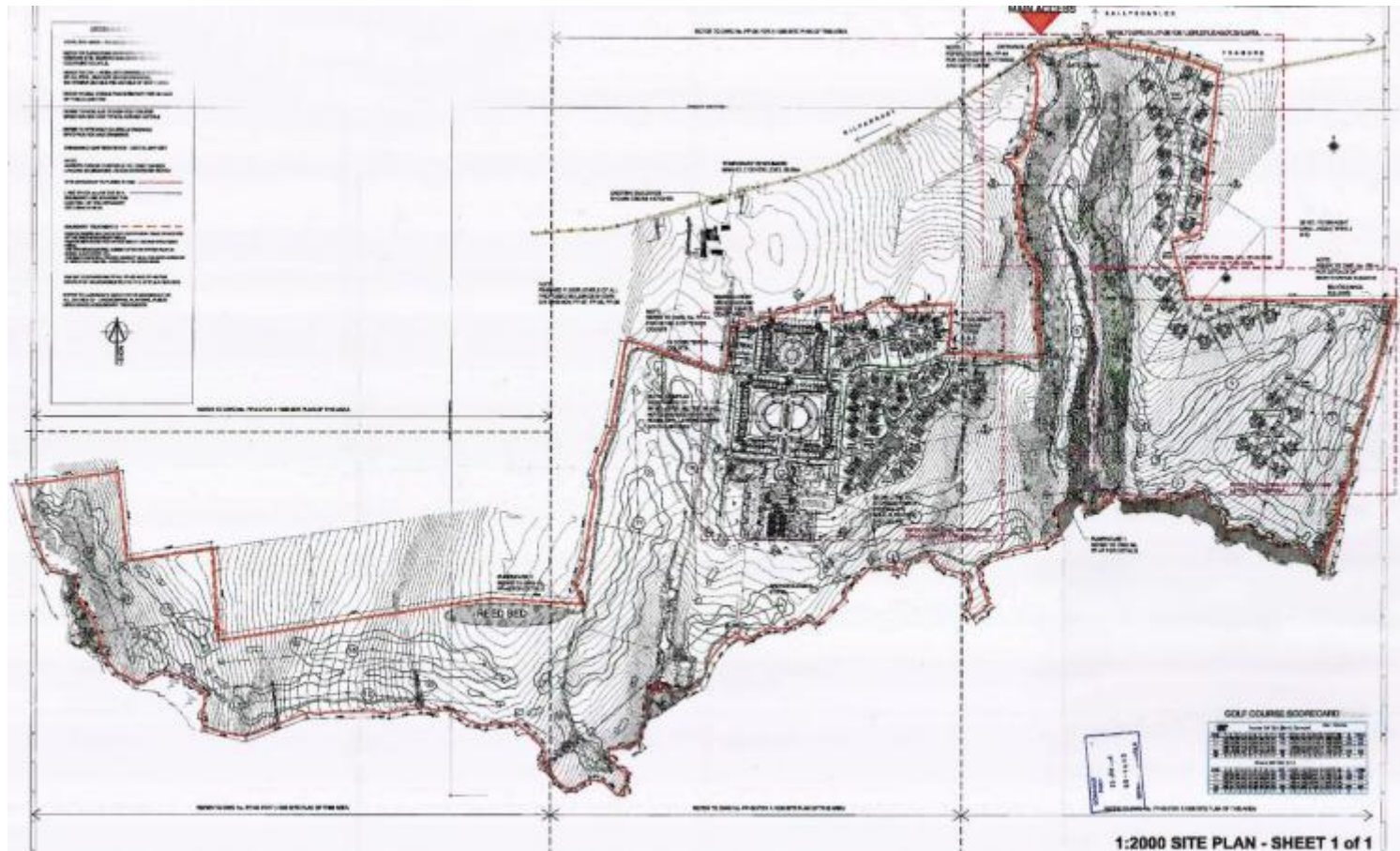
Case Study, Garrarus, Waterford [2008-2009]

Having regard to the submission from NPWS, I have concerns that the proposed development may have a negative impact on the integrity of the SPA. In the NPWS submission it is stated that *there is reasonable scientific doubt that the proposed development will have no significant adverse effects on the integrity of a European site, the Mid-Waterford Coast proposed Special Protection Area (pSPA)*. And that the although the choughs would probably still use the area to some limited extent but its ecological value and carrying capacity may be significantly reduced and represent a deterioration of habitat quality. The mitigation measures proposed have not addressed the scale and nature of the development, loss of 32% of the choughs feeding area, loss of 41% of the coastal habitat health (which is designated pNHA), the disturbance to the Chough during the construction and the ongoing disturbance during the operation of the development.

However there is a report on file from S.E.E, Planning Section stating that the proposed development will not potentially lead to a significant adverse impact on the integrity of the Natura 2000 site subject to the mitigation measures proposed during the construction period including a phasing programme and the habitat management plan proposed.



Simplified Garrarus





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Simplified Garrarus





Simplified Garrarus





Case Study, Garrarus, Waterford [2008-2009]

300 No. written objections

Impact on landscape

SPA and NHA designations

Traffic – cars and helicopters

Water supply

Contravenes the National Biodiversity Plan

Unsustainable

Emergency services

National Spatial Strategy

Beach amenities

Non-compliance with development plan

scale, height, layout, density, landuse

the chough

ecology and wildlife



Case Study, Garrarus, Waterford [2008-2009]





Case Study, Garrarus, Waterford [2008-2009]





Case Study, Garrarus, Waterford [2008-2009]





Case Study, Garrarus, Waterford [2008-2009]





Case Study, Garrarus, Waterford [2008-2009]

too narrow along its full length to accommodate comfortably a large vehicle and a car coming in opposite directions to each other. In addition, I noted during my site inspection a higher than normal level of pedestrian movement along the road. The Kilfrasey Road would appear to be a popular local walking route for residents and tourists of the area. There are no footpaths or road verges along either side of the road. I would be concerned about pedestrian safety in this regard. I consider the proposal to be a traffic hazard as I believe the general road network in the area has not got the carrying capacity to cater for same.

8.0 RECOMMENDATION

- 8.1 Having examined the planning file, the site and the appeal documentation, I cannot comprehend the planning authority's assessment or decision relating to the proposed development based on the European legal status of the site, European Case law, Ministerial advice and guidance, and national and local planning policy governing the area. The irreversible loss of an internationally important habitat and the uniquely adapted bird species along the Mid-Waterford coastline is a high and unnecessary price to pay for this poorly substantiated economic development which is unjustifiable in planning and environmental policy grounds. I recommend the Board overturn the planning authority's decision, and **REFUSE** the proposed development for the following reasons.



Case Study, Garrarus, Waterford [2008-2009]

2. Having regard to the National Spatial Strategy, Guidelines on Sustainable Rural Housing (DOSHLG 2005) and the Waterford County Development Plan, the proposed development is located in a rural area considered to be strong in terms of population growth whereby the principle planning response is to strengthen the town and village settlements and reduce urban sprawl. Having regard to the permanent homes proposed under the scheme, the proposed development is considered to be sporadic suburban-like development on the open countryside within a highly scenic and protected coastal landscape and is therefore contrary to the Settlement Strategy contained in the current development plan for the area and contrary to the adopted policy to permit genuine rural housing need at suitable locations on a scale and a pace which will not diminish Co. Waterford's high quality rural environment. The proposed development is therefore contrary to the proper planning and sustainable development of the area.



Case Study, Garrarus, Waterford [2008-2009]

“In terms of national planning policy, the proposal flies in the face of the National Spatial Strategy and the Sustainable Rural Housing Guidelines.

According to national planning policy, in rural areas that are considered to be strong in terms of population growth, the principle planning response is to support agriculture, strengthen the town and village settlements and reduce urban sprawl.”



Retail Policy and Planning





Retail Policy and Planning

4.3 km





Retail Policy and Planning

Retail Policy and Planning





Retail Policy and Planning

Retail Policy and Planning





Retail Policy and Planning

Ref. PD06/522 – Permission granted for a retail warehouse park with a total gross floor area of 15,939 sq.m with 9 single storey double height units and a three storey building with showroom;

Condition 22 of the permission requires that “the use of the proposed retail units shall be subject to the approval of the planning authority”.

RPGs define a retail warehouse unit as a large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods and bulky DIY items catering mainly for car-borne customers and often in out-of-centre locations

TK Maxx subsequently opened – amalgamating 2 units



Retail Policy and Planning

Retail Policy and Planning

- Referrer [Noel Frisby] sought a Section 5 declaration from Waterford County Council, requesting a determination that the use of Units by TK Maxx is a change of use from that permitted, is development and is not exempted development
- WCC decided that subject to a restriction on the sale of fashion clothing and footwear, the use of a retail unit in Butlerstown Retail Park to accommodate the retailer TK Maxx would not be regarded as a material change to the planning permission already issued
- Also – WCC stated that proposed retail use is exempted development
- The declaration of Waterford County Council was referred to the Board!

Retail Policy and Planning

5.0 RESPONSE TO REFERRAL

5.1 Response from Planning Authority

Waterford County Council has not responded.

5.2 Response from Owner

The response on behalf of Butlerstown Developments is summarised as follows:

- Retail Warehouses can retail mainly bulky goods not only bulky goods;
- Local Authority did not condition the sale of goods to only bulky goods;
- Cannot now regulate against non-bulky operators in general;
- Numerous retail parks around country retail goods which are not defined as bulky including units in Waterford selling clothes and toys;
- No prohibition on retail warehouse parks containing units retailing non bulky goods;
- Use of unit in question for retailing bulky and non-bulky goods is permitted;
- Council entitled to determine end user to regulate overall mix of uses with TK Maxx broadening the mix of uses and retail offer;
- Unit 1 granted under Ref. 06/522 where condition 22 applies;
- Condition 22 allows Council to determine end user and nature of their business;
- No condition restricting the use of the unit to the sale of bulky goods;



Retail Policy and Planning

Retail Policy and Planning

7.0 POINTS OF REFERRAL

In my opinion, there are two points at issue before the Board. Firstly, whether the proposed use of the units by TK Maxx would constitute a change of use of the use permitted in the structure in question and whether this change of use would be material and if so then it would constitute development. The second issue is whether this development is exempt. The second point of referral is whether the amalgamation of Units 1, 10 and 11 (numbered 2 & 3 in most recent plan/layout) would be development or would be exempted development.



Retail Policy and Planning

Retail Policy and Planning

Firstly, the applicant states that there is no specific condition limiting the sale of goods in the unit to bulky goods and that Condition 22 of the parent permission requires that *“the use of the proposed retail units shall be subject to the approval of the planning authority”*. In my opinion the Condition requiring the Planning Authority’s approval for the use of the retail unit cannot be construed to mean that any type of retail use or the sale of any type of retail goods is acceptable. The parent permission provided for the construction of retail warehouse units. This is a specific type of retail unit and one which is specifically defined in the Retail Planning Guidelines as follows:

“A large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers and often in out-of-centre location”.



Retail Policy and Planning

Retail Policy and Planning

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, hereby decides that the use of Units 1, 10 & 11 for the sale of goods defined as comparison goods in Annex One of the Retail Planning Guidelines, is development and is not exempted development.

U Crosse,
Inspectorate

December 2008



Retail Policy and Planning

Retail Policy and Planning

subsequently appealed for retention to gain retrospective planning permission and this was granted by Waterford Co. Council with two conditions.

The board direction stated, “It is considered that the proposed development would adversely affect the vitality and viability of Waterford City Centre, that it would set an inappropriate precedent for similar development in the suburbs of Waterford City, particularly along the Outer Ring Road.”

However, this retention was appealed by Waterford City Council and An Bord Pleanála refused permission to change the use of the store from bulky goods to -all household items.

Retail Policy and Planning

The Munster Express

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Tramore's 'open arms' welcome for TK Maxx

Published on Friday, March 5th, 2010 at 2:53 pm

Tramore Town Council is waiting with open arms to welcome TK Maxx to the resort if, as expected, the store is forced to shut up shop at the Butlerstown Retail Park on the outskirts of Waterford city.

The possibility of the retailer relocating is due to a breach of planning conditions which permit only the sale of bulky goods there.

At Tuesday night's monthly meeting of the Tramore authority, Cllr Blaise Hannigan (Ind) urged his colleagues to "facilitate" a move by TK Maxx to the town and received enthusiastic support.

He said there was a choice of suitable locations in Tramore: a number of retail units were available in Riverstown Business Park and there was appropriate planning permission in respect of a site bordering Railway Square and Strand Road.

He said Tramore was only a 10-minute drive from Butlerstown Retail Park, close enough for the store's 80 staff members to retain their jobs. Also, he pointed out, the town now had a population of 10,000, rising to 30,000 in high summer, which would help sustain viability.

"This could be a fantastic opportunity for our town," he enthused.

Agreeing, Deputy Mayor Lola O'Sullivan said that if any of the big retail outlets wanted to set up in Tramore they should be welcomed with open arms.

But Town Manager Brian White cautioned that legal proceedings were still pending with regard to the Waterford situation.

Retail Policy and Planning

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The screenshot shows a Facebook page for a community group. The page header includes the Facebook logo, a search bar, and navigation links for Home, Profile, and Account. The main content area features a cover photo of a woman holding shopping bags, a title 'Bring TK Maxx Back To Butlerstown Retail Park Waterford' with a 'Like' button, and tabs for Wall, Info, Photos, and Discussions. The 'Wall' tab is active, displaying a post from 'Bring TK Maxx Back To Butlerstown Retail Park Waterford' dated November 14 at 9:31pm. The post text reads: 'Bring TK Maxx Back To Butlerstown Retail Park Waterford The new TK Maxx in town is a bit SHITE.' Below the post, it shows '2 people like this' and two comments from Sandra Ryan and Jean Burns. A second post from the same group is visible below, dated August 30 at 4:42pm, with the text: 'Bring TK Maxx Back To Butlerstown Retail Park Waterford so sad to see that big empty space dosing down this morning :(the one good thing Waterford had going for it.' The left sidebar contains a 'Suggest to Friends' button, an 'Information' section with a description of the group's purpose, and a list of 115 people who like the page, including Conor Power, Lucy Danagher, Fergal O' Connor, Aileen Codd, Riverwalk Accommodation, and Tracy Morrissey. The right sidebar features a 'Create an Ad' button, a 'Connect With More Friends' section with a Facebook 'f' logo, and a 'More Ads' link.

facebook Search Home Profile Account

Bring TK Maxx Back To Butlerstown Retail Park Waterford Like

Wall Info Photos Discussions

Bring TK Maxx Back To Butlerstown Retail Park Waterford + Others

Just Bring TK Maxx Back To Butlerstown Retail Park Waterford Just Others

 **Bring TK Maxx Back To Butlerstown Retail Park Waterford** The new TK Maxx in town is a bit SHITE.
November 14 at 9:31pm

2 people like this.


 **Sandra Ryan** Too right Anne :(there'll be nothin like butlerstown again :(
November 14 at 9:34pm · Flag

 **Jean Burns** A bit :)
November 14 at 9:34pm · Flag

 **Bring TK Maxx Back To Butlerstown Retail Park Waterford** so sad to see that big empty space dosing down this morning :(the one good thing Waterford had going for it.
August 30 at 4:42pm

RECENT ACTIVITY

 Bring TK Maxx Back To Butlerstown Retail Park Waterford changed their Description.


 Bring TK Maxx Back To Butlerstown Retail Park Waterford joined Facebook.

Suggest to Friends


Information

Description:
Due to a High Court ruling TK Maxx closed at the Butlerstown retail park in Waterford on 30th August 2010. It is to re-locate to the former Pennys premises in Railway Square (beside cinema) in November 2010. This will mean that it will be downgrading from being one of the biggest and best TK Maxx stores in the country... to being one of the smallest. It is a shame that Waterford is to lose one of its best retail shops because of planning regulations.

115 People Like This

 **Conor Power**

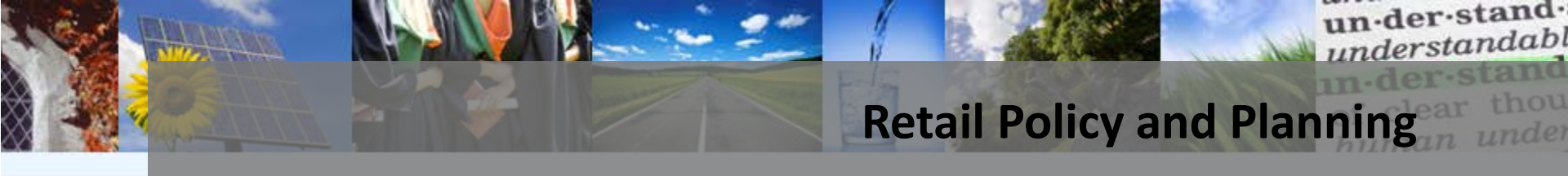
 **Lucy Danagher**

 **Fergal O' Connor**

 **Aileen Codd**

 **Riverwalk Accommodation**

 **Tracy Morrissey**



Retail Policy and Planning

Retail Policy and Planning

AN IRISH TOWN PLANNER'S BLOG

This blog is produced by Brendan Buck, a town planning consultant. Contact Brendan - brendan@buckplanning.ie or 087-2611111

Wednesday, 11 March 2009

Council takes action against TK Maxx store over planning contravention

WATERFORD County Council has commenced enforcement proceedings against a TK Maxx outlet in Waterford after An Bord Pleanála found it

The board, in a ruling issued last week, found that TK Maxx at the Butlerstown Retail Park did not have permission to sell items such as clothes under the "bulky goods" classification.

Sixty jobs at the store are now under threat, it is feared.

An Bord Pleanála investigated the sale of items at TK Maxx, following a complaint by local developer Noel Frisby, a director of Noel Frisby Construction Shopping Centre.

The board ruled that TK Maxx, along with a Mothercare outlet that was due to open at the park, contravened planning laws, as outlets at the park were not "bulky".

A spokeswoman for TK Maxx yesterday said: "We are extremely disappointed by this ruling. It is a very complex situation and we are currently working to protect the very best interests of our store associates and our customers in Waterford."

Director of services at Waterford County Council, Brian White, said that the council had deemed Mothercare to be within the bulky goods classification.

"We are certainly working out the options with them and are trying to reach some conclusion that will save [those] jobs."

Mr White said the options that are there for TK Maxx were to "defend the case against them in court, to apply for planning permission for retail use or to close the store."



Retail Policy and Planning

However, Waterford's county councillors expressed anger at the monthly meeting of the local authority on Monday evening and passed a motion of no confidence in An Bord Pleanála.

The Mayor of Co Waterford Tom Higgins criticised Mr Frisby at the meeting. He asked Mr White: "It is a bit rich, a Kilkenny man coming in, telling us what to do, isn't it?"

Mr White replied: "Mayor, with respect, any member of the public has a right to insist that the planning regulations are enforced."

Cllr John Carey added: "I have the utmost respect for Waterford planning and I think it is high time now that we called for disbanding of An Bord Pleanála because they're certainly not doing us any favours."

In response Cllr Damian Geoghan said: "If we go along with the proposals [for a vote of no confidence] today, what we are saying is that there should be no appeals process in this country in relation to planning."

Retail Policy and Planning

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T K Maxx confirms date

By Jamie O'Keeffe. Published on Friday, October 18th, 2010 at 3:03 pm

The relocation of T K Maxx to Railway Square has been described as "a major boost to the revitalization of Waterford City Centre."

Having been forced to discontinue trading at its outlet at Butlerstown Retail Park due to planning constraints, the UK-based off-price fashion merchants are taking up 18,500 square feet, including the area occupied on a temporary basis by Penneys during the reconstruction of its John Roberts Square store. Its doors will open to shoppers on Thursday, October 28th.

Peter O'Meara of Savills, whose firm negotiated the T K Maxx letting (acting jointly with Sherry Fitzgerald John Rohan) said it's "very good news for Waterford city centre retailing."

It's also a major relief to the owners of Railway Square, which was completed in 2007. The mixed-use complex badly needs new businesses and it's obviously hoped T K Maxx will act as a catalyst in this regard.

John Rohan says: "The remaining Railway Square retail space is currently the only high quality newly-completed development of its scale in a city centre location which is available for immediate occupancy and we are talking to a number of very interested parties."

The Butlerstown store, offering 'designer labels for less', employed 60 full/part-time staff up to its enforced closure at the end of August, having opened there two years ago.

The High Court found the company to be in breach of planning regulations in that only bulky goods were permitted to be sold on the site. The action was brought by Warrenford Properties, operators of the nearby Lisduggan



T K Maxx is relocating to the re-launched Railway Square in Waterford City Centre, opening to shoppers on Thursday, October 28.



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Retail excellence

Westport

Retail

Place folk work

Interfering in market

Prosperity without growth

Presumption in favour of sust dev

Cow map/cork traffic plan

Time

Resilience

Map of ireland drive bands – location location

P207 limits to growth