



An
Bord
Pleanála

Board Direction
BD-003826-19
ABP-304423-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 8/19/2019.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Waterford City Development Plan 2013-2019 (as extended);
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (e) the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Housing, Planning and Local Government in December 2018;
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government, 2009;
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a range of social infrastructure;
- (j) the pattern of existing and permitted development in the area;
- (k) the planning history within the area including the subject site;
- (l) the submissions and observations received, and
- (m) the report of the Inspector.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir SAC (site code 002137), and the (River Barrow and River Nore SAC (site code 002162), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely, the Lower River Suir SAC (site code 002137), and the River Barrow and River Nore SAC (site code 002162), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and

iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board undertook an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale and location of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions made in connection with the planning application, and
- (d) the Inspector's report.

The Board considered that the EIAR, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the EIAR, the associated documentation submitted by the applicant, and submissions made in the course of the application, and adopted the Inspector's assessment in this regard.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- Potential indirect effects on Water, which will be mitigated during the occupation of the development by the proposed surface water management and attenuation proposals and the drainage of foul effluent to the city's sewerage system and which will be mitigated during construction by appropriate management measures.
- Potential direct effect on Biodiversity, which will be mitigated through the proposed landscaping scheme and retention of existing hedgerows where feasible. Potential impacts to bats will be mitigated through appropriate lighting design. General disturbance and displacement of fauna will be mitigated through a range of measures including restrictions on habitat removal and the felling of trees.
- Potential Traffic and Transportation impacts, which will be mitigated by the phasing of the development, design of the entrance to the development and by the completion of local road improvement measures.
- Potential significant direct effect on Landscape and Visual Impact by the change in use and appearance of a relatively large site from agricultural to residential use. The proposed apartments and housing will be mitigated through the design and layout of the scheme, retention of existing trees and hedgerows where feasible and the replacement planting proposed as part of the landscape plan.

The Board concluded that, subject to the implementation of the mitigation measures set out in the EIAR, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable, having regard to its overall benefits.

Conclusion on Proper Planning and Sustainable Development

Having regard to the zoning objectives relating to the site, to the design, layout and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to the conditions set out below, the proposed

development would be consistent with the policies of the Waterford City Development Plan 2013-2019, including the core strategy, would not give rise to serious injury to the residential amenities of property in the vicinity or the visual amenities of the area, and would be acceptable in terms of pedestrian and traffic safety and convenience and public health. As such, the proposed development would be in accordance with the ppsd of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would provide a satisfactory arrangement and quantum of open space to serve all elements of the proposed development. It also considered that, given the site topography and the proposed pedestrian and vehicular connectivity to adjoining lands, the proposed development would be compliant with, and would not give rise to a conflict with the Design Manual for Urban Roads and Streets and that the internal road network would be acceptable. It was also of the view that the interface of the south-eastern section of the development with the adjoining undeveloped zoned open space lands would be satisfactory. It did not agree with the Inspector that the proposed development would materially contravene the zoning objective and Objective 7.7.2 of the Waterford City Development Plan 2013-2019, as it considered that the proposed development would be compliant with the Development Plan objectives.

Conditions

- 1 Planpartic
2. The development shall be amended as follows:
 - a. Apartment Block No. 6 shall be amended by the omission of Apartment Nos. 312-321 and the extension of the pocket park located to the north of these apartments into this area. The eastern gable of Apartments Block No. 6, which shall comprise Apartment Nos. 322-331, shall be revised accordingly.
 - b. The apartment blocks shall not be gated. The proposed gates located at the vehicular access points to the apartment blocks shall be permanently removed.

- c. The proposed Distributor Road in the eastern section of the site shall be realigned to run north of the area of Zoned Open Space, in front of House Nos 164-174, replacing the local access road at this location. The realigned Distributor Road shall extend to the eastern site boundary in order to serve the adjoining residential zoned land. The area of the original Distributor Road located to the east of Apartment Block No. 8 shall be subsumed into the area of Zoned Open Space to the immediate north.
- d. House Nos. 284-291 shall be omitted from the development and the area developed as public open space.

Revised drawings illustrating these amendments, including detailed proposals for the extended pocket park, the repositioned and expanded Zoned Open Space area, the open space to the east of the graveyard and a revised eastern gable to the amended Apartment Block No. 6 shall be submitted to the planning authority for written agreement prior to the commencement of development

Reason: In the interest of visual and residential amenity and to ensure that the development is served with an appropriate level of open space.

3. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment.

4. Intern Road 1

5. PA c8

Add additional subsection - (d) Proposals for the repositioning of the bus stop on Knockboy Road.

6. UrbanManage 3

7. PA c24

8. Urban finishes 1

9. Urban waterdrain

10. All rear gardens shall be bounded by walls, 1.8 metres in height., which shall be either block walls capped and rendered on both sides or concreted post and panel walls.

Reason: In the interest of residential amenity.

11. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

12. PA c20

13. Lighting

14. Cables

15. Estate naming

16. Working Hours

17. Part V

18. CDW

19. CMP1

20. UrbanWaste1

21. Security 1

22. S48 unspecified

Board Member

Date: 20/08/2019

Terry Prendergast