

An
Coimisiún
Pleanála

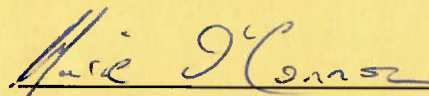
Commission Direction
CD-000839
PL-501013-WD-26

The submissions on this file and the Inspector's report were considered at a meeting held on 01 July 2026.

The Commission decided to treat this case under section 139 of the Planning and Development Act, 2000. The Commission also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

AMEND condition numbers 5, 9 and 12 as follows

Planning Commissioner:


Marie O'Connor

Date:

3rd day of July 2026

DRAFT WORDING FOR ORDER

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant

application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition numbers 5, 9 and 12 so that it shall be as follows for the reason set out.

Reasons and Considerations

Having regard to the applicable zoning objectives of 'Regeneration RE' and 'Open Space and Recreation OS' and other policies and objectives relating to placemaking, advertising, regeneration, and opportunities sites in the Waterford City and County Development Plan 2022-2028, to the safeguarding of amenities of surrounding property, to the protection of visual amenity of the area, to the planning history in the vicinity of the site, and to the guidance on the criteria of planning conditions in the Development Management, Guidelines for Planning Authorities, 2007, it is considered that condition numbers 5, 9 and 12 of the planning authority's grant of permission shall be amended as follows and for the reasons set out below.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, signs, symbols, nameplates, emblems or other advertising devices, other than signage permitted as part of this permission, shall not be erected or displayed externally on the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

9.(a) During the construction phase of the development, there shall be compliance with 'BS 5228 Parts 1 and 2: 2009 + A1: 2014, Code of Practice for Noise and Vibration Control on Construction and Open Sites'.

The noise levels shall not exceed the following thresholds:

- 65 dB LAeq,1 hour, Monday to Friday (0800 to 1800 hours) and Saturday (0830 to 1300 hours) at the nearest noise sensitive locations.
- 70 dB LAeq,1 hour, Monday to Friday (0800 to 1800 hours) and Saturday (0830 to 1300 hours) at the nearest commercial premises.

(b) During the operational phase of the development, the noise from the development, when measured at the nearest noise sensitive location using the methodology set out in "Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)" Environmental Protection Area, shall not exceed the following levels (corrected for a tonal or impulsive component if applicable):

Daytime Noise Criterion, dB LAr,30 minutes (0700 to 1900 hours)	Evening Noise Criterion, dB LAr,30 minutes (1900 to 2300 hours)	Night-time Noise Criterion, dB LAeq,15 to 30 minutes (2300 to 0700 hours)
55dB	50dB	45dB

Reason: In order to safeguard the amenities of surrounding occupiers.

12. (a) Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan as set out in the Best Practice Guidelines for the

Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The Resource Waste Management Plan shall be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.

- (b) The developer shall set aside an area to facilitate the provision of a bring centre for the deposit of glass and metal packaging. Details in this regard shall be agreed with the Environment Section, Waterford City and County Council.
- (c) The developer shall ensure that any place where waste is to be stored prior to collection is secure, accessible at all times by staff and other authorised personnel and is not accessible by any other person other than an authorised waste collector.
- (d) During the construction 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.

Reason: To protect local amenities and in the interests of the proper planning and sustainable development of the area.