

An  
Bord  
Pleanála

Board Order  
ABP-309266-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 20/217**

**Appeal** by Sean Doherty of Inishowen, Cullens Hill, Cheekpoint, County Waterford and by Pat Moran of The Mount, Cheekpoint, County Waterford against the decision made on the 7<sup>th</sup> day of January, 2021 by Waterford City and County Council to grant subject to conditions a permission to Cheekpoint Boat Owners Association care of Paschal Halley of 16 The Dunes, Somerville, Tramore, County Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construct a wheelchair accessible ramp access with entrance gate and associated works to access proposed pontoon facility at Main Quay, Cheekpoint, County Waterford. A further public notice was received by the planning authority on the 17<sup>th</sup> day of September, 2020.

### **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

*AMSG*

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the nature and limited scale of the proposed development, the riverside location of the site, the existing and historic use of the site, the established character and pattern of development in the vicinity of the site and the zoning of the site for 'Harbour Related Uses in the Waterford City and County Development Plan 2011-2017 (as extended), and having regard to all submissions made in relation to the application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with Development Plan policy, would not seriously injure the amenities of adjoining and adjacent property or the land or water based amenities of the surrounding area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

AMB

## Appropriate Assessment Screening

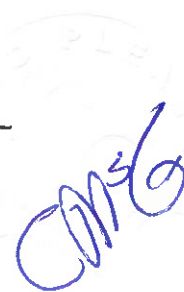
The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (Site code: 002137) and the River Barrow and River Nore Special Area of Conservation (Site code: 002162) are the European Sites from which there is a possibility of significant effects and must, therefore, be subject to Appropriate Assessment.

## 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 the European Sites in views of the sites' conservation objectives - the Lower River Suir Special Area of Conservation (Site code: 002137) and the River Barrow and River Nore Special Area of Conservation (Site code: 002162). The Board considered the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

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

- (i) the site specific conservation objectives for these European sites,
- (ii) the current conservation status, threats and pressures of the qualifying interest features,
- (iii) the mitigation measures which are included as part of the current proposal,
- (iv) the views as set out in all submissions on file, and



- (v) the report of the Inspector.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of 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 aforementioned European sites in view of the sites conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of September 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures set out in the Natura Impact Statement submitted with the application shall be implemented in full, except where modified by the conditions set out below.

**Reason:** In the interest of nature conservation and the protection of designated sites and species.

3. This grant of planning permission relates to the development of a private floating pontoon boat berthing facility, gangway, ramp access, and ancillary works as described in the submitted public notices and as indicated in the documentation lodged with the planning application and on appeal.

**Reason:** In the interest of clarity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. Details of the materials, colours and textures of all finishes to the proposed floating pontoon berths shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

6. No signage, advertising structures/advertisements or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. Construction waste shall be managed in accordance with a construction waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan 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 July, 2006.

**Reason:** In the interest of sustainable waste management.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in 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 made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 19<sup>th</sup> day of July 2021.

