



An
Coimisiún
Pleanála

Commission Order
PL-500554-WD-26

Planning and Development Act 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 2560154

Appeal by Mary P Sherrard, John Joe and Angela Hodgers and by Others against the decision made on the 3rd day of December, 2025 by Waterford City and County Council to grant, subject to conditions, a permission to S and K Carey in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Planning Permission for the construction of a residential development containing 91 number dwelling units comprising of 36 number two-storey three bed semi-detached units, eight number two-storey four bed semi-detached units, five number two-storey three bed terrace units, Two number two-storey two bed terrace units and two number four-storey apartment blocks, containing 20 number apartments per block, each block comprising of four number one bed apartments, three number two bed apartments and three number three bed apartments with associated bin and bike storage, carparking and site landscaping, together with all associated site development works, new vehicular entrance to site from Kill Saint Lawrence Road (L91132) and upgrading of existing vehicular junction onto Killure Road (R708), all at Killure Road, Kilcohan, Waterford. The proposed development

was revised by further public notices received by the planning authority on the 7th day of October 2025.

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.

Reasons and Considerations

Having regard to the zoning objective of the site in Waterford City and County Development Plan 2022-2028, the design and scale of the proposed development, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would represent an appropriate residential density and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to refuse permission, as recommended by the Inspector in relation to the non-provision of a childcare facility to serve the development, the Commission, having considered, in particular, the following:-

- (a) the contents of the applicant's 'Social Infrastructure Audit' submitted with the application;
- (b) the extant permission for a large 2-storey childcare facility adjoining the application site;

- (c) the pedestrian connection proposed between that permitted childcare facility and the proposed development;
- (d) the alternative options to deliver a childcare facility in the later phases of the development of the subject landholding (as commented on by the Senior Executive Planner in the planning authority's planning report dated 02/12/2025); and
- (e) that the provision of a childcare facility is not a mandatory requirement either in the Waterford City and County Development Plan 2022-2028 or the 'Childcare Facilities – Guidelines for Planning Authorities (2001)',

decided that a refusal of permission in this instance on the grounds of the non-provision of a childcare facility is not warranted.

Appropriate Assessment: Stage 1:

The Commission considered the Appropriate Assessment Screening Report, Natura Impact Statement 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, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report and Natural Impact Statement submitted with the application, the Planning Inspector's report and submissions on file. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's Report that the relevant European Site in respect of which the proposed development has the potential to have a significant effect is the Lower River Suir Special Area of Conservation (Site Code 002137) and that Stage 2 Appropriate Assessment was, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the Lower River Suir Special Area of Conservation (Site Code 002137), in view of the site's conservation objectives. In completing the appropriate assessment, the Commission 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 Site.

In completing the Appropriate Assessment, the Commission 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 Site, having regard to the site's conservation objectives. In overall conclusion, the Commission 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 Site, in view of the site's conservation objectives.

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 received by the planning authority on the 26th day of September 2025, and the further plans and particulars received by the planning authority on the 10th day of November 2025, 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 contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, full details and final design specifications for the upgrading of the Kill St. Lawrence (L91132-0) and the Airport Road (R708) junction. The design shall take into account, inter alia, the Active Travel works proposed along the Airport Road. No residential unit shall be occupied prior to the completion and commissioning of the upgrade works to the said junction to the written satisfaction of the planning authority.

Reason: In the interest of traffic, pedestrian and cyclist safety.

4. The developer shall submit to, and agree in writing with, the planning authority, a Stage 3 Road Safety Audit of the proposed development. No residential unit shall be occupied prior to the implementation of any recommendations contained within the Audit to the written satisfaction of the planning authority.

Reason: In the interest of traffic, pedestrian and cyclist safety.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings, apartment blocks, bicycle and bin storage structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

6. The landscaping scheme shown on the plans and particulars submitted with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of November 2025 shall be carried out within the first planting season following substantial completion of external construction works. Detention basin number 4 shall be integrated into the overall public open space area to serve the development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development (or until the development is taken in charge by the local authority, whichever is the sooner), shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a site layout plan clearly indicating boundary treatments which shall indicate, inter alia, provision for pedestrian and cycle connectivity as required by the planning authority.

Reason: In the interest of clarity, pedestrian and cyclist convenience, and sustainable transportation.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

9. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

13. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, bicycle storage, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

18. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

19. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must 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 RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

21. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

23. 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 Coimisiún 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.

A handwritten signature in blue ink is written over a circular official seal. The seal contains the text 'AN COIMISIÚN PLEANÁLA' around the perimeter and a stylized logo in the center.

Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 30th day of APRIL 2026