



An
Bord
Pleanála

Inspector's Report PL93.247264

Development	Shopping Centre, multi storey car park, demolition works, new landscaped urban garden.
Location	St. Stephens Street, New Street, John's Lane, Waterford.
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	16/175
Applicant(s)	Newgate Properties
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Richard Ryan Waterford Inner City Community Alliance
Observer(s)	An Taisce Waterford Quakers
Date of Site Inspection	3 rd January 2017
Inspector	Sarah Moran

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1.0 Site Location and Description

1. The site is located in a busy urban area on the southern side of the historic and commercial centre of Waterford City, at the junction of Stephen's Street and New Street. The area includes the Applemarket public space to the east of the development site, which is currently being developed by Waterford City and County Council as part of an extensive urban renewal scheme. There are several important historic sites and structures at the site and in the vicinity.
2. The overall site has a total area of c. 1.61 ha and is a complex assembly of existing buildings and plots. Part of the site is owned by Waterford City & County Council. The site slopes steeply from 20m AOD in the northwest to 9m AOD in the southeast, such that levels at the Brown's Lane / Stephen's Street side are considerably higher than those at the John's Lane / Michael Street side. Much of the site is comprised of vacant areas, derelict buildings and overgrown waste land.
3. The site is subdivided into two blocks as follows:

Block 1:

- Located on the northern side of the site and closer to Waterford city centre. This is the larger of the two blocks, with a total area of c. 1.18 ha. It is bound by Alexander Street to the north, Stephen's Street to the west, Michael Street to the east and New Street to the south. The shopping centre is to be located here.
- Most of the centre of Block 1 is occupied by a large multi storey car park, dating to the 1990's, which is accessed from New Street. The car park is currently in use.
- The northern boundary of Block 1 generally comprises the rear boundaries of properties fronting on to Alexander Street. Nos. 1-14 Alexander Street are a terrace of two storey houses listed as protected structures in the Record of Protected Structures (RPS). No. 12 Alexander Street is listed in the National Inventory of Architectural Heritage (NIAH). Only no. 1A Alexander Street (not a protected structure), at the eastern end of the street close to Michael Street, is included in the development site. The development also includes no. 12 Michael Street, at the junction with Alexander Street, which is not a protected structure but is listed on NIAH.

- The eastern boundary of Block 1 mainly comprises the rear of residential and commercial properties on Michael Street. Nos. 12, 16, 18, 20, 21, 23 and 24 Michael Street are all listed on the NIAH and nos. 21 and 23 Michael Street are protected structures. This part of the site includes a land parcel at O’Keefe & Sons Monumental Stone Works between nos. 13 and 16 Michael Street. The complex comprises a 2 storey house, sheds and outbuildings, with a direct access to Michael Street. The southern end of Michael Street terminates in the Applemarket space at the junction with New Street.
- The southern boundary of Block 1, along New Street, comprises Greer’s yard, vehicular and pedestrian access to the multi storey car park and New Street Garden. Several derelict buildings on the northern side of New Street were demolished by the planning authority in 2013 on foot of a Derelict Sites Notice. The Council established a temporary community garden on the site, known locally as “New Street Garden”. There is a plaque on the northern side of the garden, which states that Edmund Ignatius Rice, founder of the Irish Christian Brothers, opened his first school here in 1802. St John’s Presbytery, a protected structure, faces the site from the opposite side of New Street.
- The former Kiely & Sons Mineral Waters premises (Kiely’s Yard) is located to the north of New Street Garden, at the junction of New Street and John’s Lane. It includes a bottling plant and Manager’s house. The complex is now derelict and the Manager’s house is vacant. The Manager’s House is listed on the NIAH but is not a protected structure.
- The site of St. Stephen’s Church and Graveyard and an adjacent 17th century house is located within Block 1 at the corner of Stephen’s Street and New Street, at the bottling plant. The entire site is a protected structure and the church and graveyard are Recorded Monuments. The graveyard is currently maintained by Waterford Civic Trust while the 17th century house is now disused and overgrown. There are records of a leper hospital at the site, also a Recorded Monument.
- The western side of Block 1, fronting on to Stephen’s Street, comprises part of the former De La Salle complex, now demolished. The existing De La Salle Hall, a protected structure, remains at the north western corner of the site at the

junction with Alexander Street but is outside the site boundary. The open space adjoining the De La Salle school was the site of the city reservoir (city basin). St. Stephen's Street National School, still in use, is located on the western side of Stephen's Street and faces Block 1.

Block 2:

- The smaller, southern part of the site, which has a stated area of c. 0.43 ha. It is bound by John's Lane / New Street to the north and northeast, Brown's Lane to the west and Castle Street to the south west. Levels fall from Brown's Lane to the west to Wyse Park to the east.
- This block is occupied by buildings previously used by Waterford Institute of Technology (WIT), as well as two car repair garages / workshops (Murphy's and O'Byrne's) fronting onto John's Lane.
- Waterford city wall and an associated tower, both protected structures and a Recorded Monument are adjacent to the western side of Block 2 at Brown's Lane. The original line of the wall runs east along Castle Street and there are further extant parts of the wall and associated towers to the south east of Block 2 at Manor Street.
- There are two Quaker burial grounds in the vicinity of Block 2. The older ground is located on the opposite side of John's Lane and is a Recorded Monument. The more recent burial ground (not a Recorded Monument) is located on public ground between the rear of houses on Castle Street and the southern boundary of Block 2.
- The disused priory grounds of St. John the Evangelist (now Wyse Park), a protected structure and Recorded Monument are located to the east of Block 2, at Johns Lane. A small area at the western side of Wyse Park is within the development site and is owned by Waterford City and County Council.

2.0 Proposed Development

1. The proposed development is to be known as the Applemarket Centre and has the following main elements:

- Site clearance including the demolition of the following structures:

- Existing New Street multi storey car park (Block 1);
 - Kiely's Yard bottling plant and Manager's House on New Street (Block 1);
 - No. 25 Michael Street, a 3 storey building at the Michael Street / New Street junction (Block 1);
 - O'Keefe and Sons Monumental Stone Works and associated buildings at nos. 14-15 Michael Street (Block 1);
 - Rear of no. 12 Michael Street, at the junction with Alexander Street. The front of the 3 storey building is to be retained as a retail unit. Also no. 1A Alexander Street to the immediate north (Block 1);
 - Existing structures within the former WIT site (Block 2);
 - 2 no. car repair garages on John's Lane (Block 2).
- Two storey shopping centre located on Block 1. The centre has a stated gross retail floor area of 10,030 sq.m. and cafés / restaurants with a stated gross floor area of 635 sq.m. The retail use comprises an anchor store of 2,830 sq.m. and 5 no. medium size units ranging from 737 sq.m. to 1,434 sq.m.; 10 no. additional retail units including the currently vacant property at no. 12 Michael Street, ranging in size from 45 sq.m. to 416 sq.m.
 - The shopping centre includes a service yard on New Street and vehicular access to same.
 - The main pedestrian access to the centre is to be at the corner of Alexander Street and Michael Street, facilitated by the demolition of No. 1A Alexander Street and O'Keefe and Sons Monumental Stone Works. There is also a pedestrian access at the north western corner of Applemarket, facilitated by the demolition of no. 25 Michael Street.
 - St. Stephen's Graveyard and the 17th century house at the south western corner of Block 1 are to be retained as part of the scheme. This area has a higher ground level than the eastern side of Block 1 and it is to be linked to a pedestrian terrace / garden space on the roof of the shopping centre. The roof terrace is stated as 'pending future development'.

- Multi storey car park accommodating 385 no. spaces on 4 levels at Block 2. Vehicular access to the car park from Brown's Lane and egress to John's Lane. The car park is to be linked to the shopping centre by a glazed pedestrian bridge over New Street, at the location of the existing Manager's House.
 - Ancillary works including an access road to the car park, electrical and mechanical services plant rooms.
2. The applicant submitted additional particulars in response to a further information request by the PA including a revised car park layout; additional photomontages; landscaping details; structural assessments of proposed works and impacts on adjacent structures; architectural heritage statement by John Cronin & Associates; additional details of proposed treatment of St. Stephen's Graveyard and adjacent 17th century house; drainage details.

3.0 Planning Authority Decision

1. Decision

- 3.1.1. The PA requested further information on 12th May 2016, in accordance with the recommendations of the planning report. It granted permission on 23rd August 2016 subject to 30 no. conditions. The following conditions are noted in particular:
- Condition no. 2 relating to the conservation management of no. 12 Michael Street to ensure the protection / maintenance of the historic structure;
 - Condition no. 3 requires a full architectural and archaeological survey of the buildings in Kielys Yard;
 - Condition no. 4 requires archaeological assessment of the site with mitigation measures and a detailed strategy / methodology in advance of all site works, subject to required details;
 - Condition no. 5 requires the submission of proposals for the future management and maintenance of St Stephen's Graveyard and adjacent 17th century house, prior to the commencement of development;
 - Condition no. 9 requires proposals for the improvement of the pedestrian bridge 'landing area' at the multi-storey car park;

- Condition no. 29 requires the payment of a special financial contribution of €60,000 under section 48 of the Planning and Development Act 2000 (as amended) in order to facilitate landscaping works within Wyse Park;
- Condition no. 30 requires a section 48 special financial contribution of €40,000 in respect of storm water infrastructure which will facilitate the development.

2. **Planning Authority Reports**

3.2.1. Planning Reports

Report of Senior Executive Planner 11th May 2016. Development is considered acceptable in principle with regard to land use zoning and retail policy, the redevelopment of this strategically located opportunity site is a key element of city centre policy. Recommends a further information request for details of treatment of St. Stephen's Graveyard and the 17th century house and archaeological assessment of same; further details of public realm treatment around the multi storey car park and related traffic issues; revised Construction Management Plan to comply with requirements; other further details of surrounding structures and relationship to same; applicant to address issues raised in the DoAHG submission. Second planning report dated 18th August 2016 on foot of further information submission. Recommends permission with conditions.

3.2.2. Other Technical Reports

Roads and Transportation (undated); Waterford City & County Council Heritage Officer 21st April 2016; Environmental Services & Planning 21st April 2016; Water Services 26th April 2016; Chief Fire Officer 29th April 2016, all no objection subject to requirements.

Report of Conservation Officer 26th April 2016. Raises issues relating to quality of design; impacts on setting of De La Salle Hall Protected Structure and the medieval graveyard, also the protected structures at no. 11 New Street and no. 23 Michael Street and impacts on other historic structures in the vicinity; need for further details of archaeological excavation; impacts on Wyse Park performance area; loss of open space around City Wall and French Tower and increased traffic load on this section of the City Wall.

Report of Economic Development & Planning Services, 10th May 2016.

Recommends a further information request for revised design / layout of certain elements of the scheme and further design details.

3.2.3. Other Technical Reports on Foot of Further Information Submission

Second report of Waterford City and County Council Conservation Officer, 15th August 2016. States concerns regarding contribution to streetscape, further concerns about development in the vicinity of the 17th century house. Demolition of nos. 23 and 25 Michael Street and the Manager's House is considered acceptable subject to requirements. Further requirements are recommended.

Economic Development & Planning Services, (undated). Comment that the development does not fully exploit the opportunity to develop the Stephen's Street 'threshold' to the city centre. Concerns about the connection between the pedestrian bridge and the car park, concerns about discrepancies in the elevation drawings, recommends a specific palette of materials.

Water Services 17th August 2016, require a special contribution of €40,000 for storm water infrastructure.

3. **Prescribed Bodies**

3.3.1. Irish Water

Irish Water submission to PA, 27th April 2016. No objection.

3.3.2. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

DoAHG Development Applications Unit (DAU) submission dated 28th April 2016. The following points are noted:

- Concern about potential impacts on architectural heritage, including the demolition of several historic structures, the treatment of existing structures which are to be retained, the potential impact of new structures and the impact on the setting and visual amenity of the historic built environment of the city centre.
- Insufficient investigation into alternatives to demolition and inadequate assessment of the fabric of existing buildings and structures on the site. Detailed examination and survey of existing structures required. The Department

considers that several of the existing structures are capable of refurbishment and adaption to a new use. Applicant to submit alternative proposals.

- Development is located in a zone of archaeological potential and there are known archaeological features at the site and in the immediate vicinity. Particular concerns about the proximity the of city wall and associated mural tower and potential impacts on structural integrity of same; potential visual and physical impact on Brown's Lane; need for detailed archaeological assessment of potential impacts on St. Stephens Graveyard and the 17th century house and further details of this aspect of the development.

The Department made a second submission to the PA in response to the further information submission, dated 26th July 2016. The following points of same are noted:

- The F.I. archaeological submission does not include a detailed programme / schedule of archaeological mitigation. It is imperative that a detailed archaeological strategy be agreed in advance of a planning decision.
- A detailed archaeological strategy is necessary to describe and assess the engineering details provided for St. Stephen's Graveyard and adjacent 17th century house and to provide a detailed archaeological statement including suggested mitigation.
- Particular concern about 'overlap' of responsibility with the PA with regard to archaeological mitigation as the proposed development is very closely linked to the current Waterford City & County Council urban renewal scheme.
- The proposed establishment of a modern terraced 'garden' is not considered to be an appropriate treatment of a medieval graveyard. Concern that there is no intended or proposed use for the 17th century building or the graveyard to form an integral part of the development. They should be appropriately conserved, interpreted, protected, presented and accessible as part of the overall development.
- The potential impact of the proposed site enabling works and construction of the basement car park along Brown's Lane and the proposed excavation / removal of soil and stone in such close proximity to the city wall and associated tower is to

be addressed in the detailed archaeological strategy. Potential visual and physical impacts of proposed roadworks on Brown's Lane have not been adequately assessed to date. There is inadequate assessment of potential impacts from the car park and associated roadways and access points on the setting of the extant remains of the city wall and tower.

- There are inadequate details of proposed landscaping works in the areas of the Quaker burial grounds, linking Wyse Park to Brown's Lane.
- The Board decision to grant permission for a development on the subject site 8 years ago has now expired and should not be a material consideration for the current application. Some of the buildings proposed for demolition are of architectural and historic merit. The Manager's House was given a rating of regional significance by the NIAH and was the subject of a Ministerial Recommendation to Waterford City Council to add it to the RPS. New Retail Planning Guidelines have been introduced since 2008 together with the 2012 retail design manual, also a new development plan has been adopted for the Waterford City area with a number of policies and objectives relevant to the development site. Further clarification is required including investigation of the existing historic structures on the site. The applicant should be required to submit alternative proposals for the site to allow for the sensitive adaptation and reuse of the existing structures and their incorporation into the final development.
- The pedestrian bridge and canopy over New Street should be omitted as they would have a detrimental effect on the character of the area and are unnecessary.
- There is a need for clarification regarding the 'proposed site for future development' at roof level of the shopping centre.
- Requirement for revised elevational treatments to reflect the character and grain of the historic city centre, particularly along Brown's Lane at the medieval city wall.

4. **Third Party Observations**

- 3.4.1. The PA received 9 no. third party observations, which objected to the scheme on grounds generally relating to structural impacts on adjacent properties as a result of demolition works; construction impacts on local businesses and residences; overshadowing and overlooking of adjacent properties; overall size of the scheme in the city centre context; lack of interaction between the development and surrounding streets; traffic, noise, parking, movement of taxi rank, potential anti-social behaviour at night; visual and heritage impacts including Wyse Park, Quaker burial ground, city wall, Brown's Lane, demolition of historic buildings, archaeological issues; concern about uncertainty around the future of the undeveloped part of site; potential for community use of De La Salle building; loss of community park at the site.
- 3.4.2. There were a further 5 no. third party submissions in response to the further information, which raised similar issues. A second submission by Waterford Inner City Community Alliance requested a public meeting to outline plans for the proposed development.

4.0 **Planning History**

1. **07/98**

- 4.1.1. Permission granted for a multi-storey car park on part of the subject site in 1998.

2. **05500542**

- 4.2.1. Permission was sought for a large, mixed use development including a shopping centre (20,331 sq.m. GFA); basement & upper floor parking; internal bridge over New Street; a 110 bedroom hotel with leisure and conference centre; sports bar with bowling centre; 29 no apartments and alterations to the local road network. The PA refused permission 3 no. reasons relating to the following matters:

1. The development would materially contravene development plan objectives for parts of the site, relating to the protection of residential amenities in New Street a Housing Protection area, and to preserve and provide for recreational uses, open space and amenity facilities in Wyse Park.
2. Adverse impacts on residential amenities by way of overlooking and overshadowing due to the design, scale, bulk and massing of the development;

development would detract from the setting of protected structures in the vicinity; serious injury to the visual amenities of the area.

3. Inadequate EIS in relation to potential impacts on archaeological and architectural heritage, and in the consideration of alternative designs and layouts for the development.

3. **06/526 PL31.224299**

- 4.3.1. Relating to a larger area of 2.13 ha, generally corresponding to Blocks 1 and 2 as described above, also a central, triangular block between New Street and John's Lane, comprising St. John's Presbytery and adjoining lands. The development comprised:

- A shopping centre on Block 1 with a gross retail floor area of c. 23,700 sq.m., excluding mall space, containing 60 no. retail units including 3 no. anchor units and childcare facilities;
- Also at Block 1: 26 no. apartments; 11 no. commercial office units; an exhibition and community amenity area, incorporating the 17th century house; a sports bar and bowling centre; a food court; a roof garden / open space and auditorium.
- 153 no. bedroom hotel in Block 2 with restaurant, bar / café, swimming pool and leisure facilities over basement level retail floorspace.
- Conference centre and meeting rooms, also at Block 2.
- Works below ground level within Block 3.

- 4.3.2. The PA granted permission. There were 6 no. third party appeals, including an appeal by the DoEHLG on grounds relating to heritage and visual impact. The Board granted permission subject to 28 no. conditions. None of the conditions imposed required any significant amendments to the proposed scheme.

5.0 **Policy Context**

1. **DoELG Retail Planning Guidelines for Local Authorities 2012**

- 5.1.1. Waterford City is at the second tier of the retail hierarchy of the state below Dublin city, along with the other large cities of Cork, Limerick/Shannon and Galway,

providing a range of high-order comparison shopping which is largely unmatched in smaller cities and towns.

5.1.2. The RPG state an overarching objective to enhance the vitality and viability of city and town centres in all their functions through sequential development. The order of priority for the sequential approach is to locate retail development in the city/town centre and only to allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted. The RPG include a range of caps on the size of convenience and retail warehouse stores with the aims of ensuring both competitiveness in the retail sector and strong city and town centres. The following key policy objectives are identified:

- Ensuring that retail development is plan-led (first national policy objective);
- Promoting city / town centre vitality through a sequential approach to development;
- Securing competitiveness in the retail sector by actively enabling good quality development proposals to come forward in suitable locations;
- Facilitating a shift towards increased access to retailing by public transport, cycling and walking in accordance with the Smarter Travel strategy; and
- Delivering quality urban design outcomes.

5.1.3. The development management process must support applications for retail development which:

- Are in line with the role and function of the city or town in the settlement hierarchy of the relevant development plan; and
- Accord with the scale and type of retailing identified for that location in the development plan and relevant retail strategy.

There is a general presumption against large out-of-town retail centres, in particular those located adjacent or close to existing, new or planned national roads / motorways.

2. **Regional Planning Guidelines for the South East Region 2010-2022**

5.2.1. The Regional Planning Guidelines build on the National Spatial Strategy, which identifies Waterford City as the “gateway” for the South East, supported by Kilkenny

and Wexford as “hubs”. However, there is a distinctive settlement pattern in the South–East Region which distinguishes the region from other regions where one Gateway City may be particularly dominant. Waterford, as the Gateway, is the largest city in the region but the region possesses a strong urban network of medium to large sized towns, which act as service centres for surrounding rural areas.

- 5.2.2. Section 4.7 of the Guidelines sets out the retail strategy. Objective PPO 4.13 is to consolidate Waterford City around the River Suir in an environmentally sustainable manner with an emphasis on the possibilities for developing the city quays area. It states a need to ensure the development of retail sector serves to protect and enhance the vibrancy and vitality of the city and town centres, in order to help address the leakage of retail spending to larger city centres outside the region such as Cork, Limerick and Dublin and the larger sub-urban centres in the Greater Dublin Area.
- 5.2.3. Chapter 10 of the Guidelines sets out critical enabling investment priorities. Priority no. 4. is to foster urban regeneration and improve quality of life for all, including significant expansion of the commercial, cultural and civic centre of Waterford city and investment in key strategic sites in and the public realm of town and city centres.

3. Waterford Planning, Land Use and Transportation Study (PLUTS)

- 5.3.1. Waterford City Council, Waterford County Council and Kilkenny County Council adopted the Waterford Planning, Land Use and Transportation Study (PLUTS) in 2004, in order to provide a vision and strategy for the development of Waterford city and environs up to 2020. A key element of the Strategy is the achievement of critical mass to allow the city to reinforce and develop its role as the economic driver of the South-East region. It provides for a population increase of almost 30,000 (57% population growth) in Waterford city and environs by 2020, with investment needed for almost 12,800 new jobs or 46% and approximately 11,500 new dwellings located both north and south of the River Suir during the same period. The strategy includes a downstream river crossing to facilitate extension of the outer ring road northwards to the N25 (now constructed), the development of a high quality bus based public transport system in the city supported by Park and Ride facilities located north and south of the river and the expansion and improvement of the South East Regional Airport.

5.3.2. The PLUTS envisages that Waterford city centre will expand northward, to bring the North Quays and northern suburbs fully into the social and economic ambit of the city. This is to be achieved a new pedestrian and cyclist bridge between the city core and the North Quays and a new public transport interchange at the railway station. With regard to retail development, it is envisaged that there will be a major expansion in retail floorspace in the city and environs, particularly in comparison shopping floorspace. A significant proportion of this retail development will focus on the extended city centre area including the redeveloped North Quays. This expansion is to be supported by urban design initiatives that will remove excess traffic from the city centre.

4. **Waterford City Development Plan 2013-2019**

5.4.1. The following policies and objectives set out in the current development plan are considered to be particularly relevant to the proposed development:

- Chapter 1 Strategic Context. Section 1.5.4 *City Centre and Retail*; section 1.5.6 *Transport and Access*; section 1.5.7 *Heritage*.
- Chapter 2 Core Strategy. Section 2.1.2 *Core Strategy Objectives*; objective 2.1.6, 2.1.7, 2.1.8. Section 2.4 *Retail*.
- Chapter 4 Retail. In particular section 4.3 *City Centre*; section 4.8 *Definition of Core Shopping Area*; 4.10 *The Need for Additional Floorspace*; 4.11 *Strategic Guidance on the Location and Scale of Retail Development*; 4.13 *Assessing New Retail Development*.
- Chapter 5 City Centre. In particular, section 5.2 *Waterford City Centre Health Check 2011*; section 5.3 *City Centre*; section 5.4 *Enhancing Vitality & Viability*.
- Chapter 6 Transportation. In particular section 6.2.2 *Public Transport and Taxis*; 6.2.3 *Other Sustainable Modes*; 6.2.4 *Traffic Management*; 6.2.5 *City Centre Parking*; 6.2.6 *Roads Infrastructure*; 6.2.8 *Heavy Goods Vehicles*.
- Chapter 10: Heritage. Policies POL10.0.1, 10.0.2, 10.0.3, 10.1.1, 10.1.3, 10.1.8, 10.1.9., POL10.2.1, POL1.2.2., POL10.2.3, OBJ10.2.5. Objectives OBJ 10.1.1 to OBJ10.1.7, OBJ10.1.9, OBJ10.1.11, OBJ10.2.5. Section 10.1 *Archaeological*

Heritage; section 10.2 Architectural Heritage, section 10.2 Architectural Conservation Areas.

- Chapter 11 Environmental Management. Section 11.3 *Water Services*; section 11.4 *Main Drainage and Waste Water Treatment*.
- Chapter 12 Zoning Policy and Objectives. Section 12.3 *City Centre Commercial*; section 12.16 *Schedule of Land Uses*.
- Chapter 13 Development Management. Section 13.2 *Qualitative & Quantitative Design Standards*

5. **Waterford City Urban Renewal Scheme 2015**

5.5.1. The subject site and the surrounding streets are within the core city centre area that was the focus of a Part VIII (now Part XI) scheme by Waterford City and County Council in 2015. The scheme noted that there were currently c. 5,000 journeys into the city centre on a typical weekday, with a modal split of 62% private motor vehicle, 7.6% public transport and 30% walking / cycling. The scheme aimed to reconfigure the existing transport network of Waterford, with the following objectives:

- Improved public realm;
- Pedestrian facilities;
- Cycle facilities;
- Public transport measures including bus lanes and bus priority measures;
- Relocated and additional taxi rank areas;
- Rationalisation of on-street car parking and provision of additional off street parking at appropriate locations;
- Road configurations including reallocation of road space to sustainable transport modes, reconfiguring junctions in accordance with DMURS and the provision of loading bays / set down areas where required.

5.5.2. The scheme was prepared subsequent to the permission of PL31.224299 at the subject site and allows for that development, including a multi storey car park within Block 2 as currently proposed. The scheme involves works in the vicinity of the development site including the pedestrianisation of Applemarket and Michael Street

and alterations to traffic circulation at Stephen's Street, Castle Street, John Street and Brown's Lane.

6. Natural Heritage Designations

5.6.1. The following designated sites are located within 15km of the development:

- Lower River Suir SAC (site code 002137);
- River Barrow and River Nore SAC (site code 002162);
- Tramore Back Strand SPA (site code 004027);
- Tramore Dunes and Back Strand SAC (site code 000671);
- Mid-Waterford Coast SPA (site code 004193).

6.0 The Appeal

1. Grounds of Third Party Appeals

6.1.1. Two separate third party appeals have been submitted by local residents. The main points made may be summarised as follows:

- The site is unsuitable for development due to its location close to several protected structures including the city wall and tower. Waterford city has a poor track record of preserving its heritage.
- The scale, bulk, height and mass of the development would dominate the area, adverse visual impacts.
- The local community includes 6 schools. Concerns about increased traffic volumes as a result of the development, including HGV and delivery vehicles. Associated impacts on local amenities due to noise, dust and vibration.
- The retail need for the development is questioned. International multiple stores would find other locations in Waterford if local retail spend and footfall warranted their arrival. Wages are lower in Waterford than in the rest of the country and unemployment is higher. There are several empty retail units in the nearby Railway Square development and in the City Square shopping centre. The Broad Street centre has been closed for several years and there are empty units at a

centre in Patrick Street and the George Street shopping centre. There are two large unused shopping centres less than a mile away in the Ferrybank area. There are other locations close to Waterford city centre that would be more suitable for the proposed scheme, such as the SDZ at North Quays.

- Local residents are in favour of developing the area in keeping with its grain, plot size, history and heritage, including respecting the Quaker and leper burial grounds. The area could be developed as a Norman Quarter with a quality public realm, pedestrianised streets, a mix of uses and social housing. Traffic could be managed by way of a park and ride system. There is funding available under various European schemes, which could be matched by government to develop the site.
- There has been a democratic deficit regarding public consultation on the current proposal, including the ownership of the site and possible plans for a future sale of the site if permission is granted.
- The second third party appeal refers to the issues raised in the third party submissions to the PA, as summarised in sections 3.4.1 and 3.4.2 above.

2. **Applicant Response to Third Party Appeal**

6.2.1. The following points are noted.

6.2.2. Legal and Procedural Issues

- The submission by Barrack Street – Convent Hill – Priests Terrace Residents Association does not comply with the requirements of section 127(1) of the Planning and Development Act 2000 (as amended), as it does not state the grounds of appeal in full, or the reasons, considerations and arguments on which they are based. No previous observations or submissions were made by this party or referred to in the grounds of appeal. The applicant therefore cannot respond to the appeal in detail. There is no legal requirement for an applicant or the Board to re-visit or assess unspecified previous observations made to the PA as part of the appeals process.

- The submission refers to ‘traffic’ and ‘demolition’, however these relate to the Waterford City and County Council urban renewal scheme, i.e. not part of the subject planning application.
- Discrepancy between the parties that made the initial observation to the PA and the current submission to the Board. The initial observation was made by the ‘Combined Inner City Residents Association’, stated to represent the residents of Mount Sion Avenue, Doyle Street, Ignatius Street, Monastery Street, Barret Court, Barret Place, Convent Hill, Priests Terrace and Barrack Street. The current submission is made by the ‘Barrack Street – Convent Hill – Priests Terrace Residents Association’, i.e. a different representative association. The submission queries whether these entities are one and the same. It is not open to an observer and an appellant to unilaterally alter its representative position to such a material degree at the appeal stage.
- The subject appeal should be declared invalid on this basis.

6.2.3. Principle of Development and Planning History

- The characteristics of the site and its context are considered in the submitted EIS. The sensitive heritage context of the site and the avoidance and mitigation of potential adverse impacts on same were crucial parameters guiding the layout and design of the scheme from the outset.
- Permission was granted for a large scheme at the site in 2008 under reg. ref. 06/526, PL31.224299, including the demolition of several structures. That permission establishes key planning and development parameters that have been adhered to in the current scheme. The design approach was based on the availability of a substantially vacant site and the acceptability of significant redevelopment with retail and car parking elements. This approach was very carefully considered in the course of the relevant appeal by the PA and the Board, including an oral hearing and submissions by the then Department of Environment, Heritage and Local Government. The current proposal is a reduced quantum of development from that permission, with a consequent reduction in scale, height and planning, environmental and visual impacts.
- The development complies with national and development plan policies and objectives, i.e. zoning under the current city development plan.

- There have been no material changes in planning policy since the permission of PL31.224299 affecting the core issues governing the development of this site.
- The original architectural heritage and archaeological consultants have been retained to work on the current proposal.
- The PA decision includes a number of very stringent planning conditions regarding archaeology and building conservation requiring significant compliance submissions for review and agreement by the PA.

3. **Planning Authority Response**

6.3.1. The main points made may be summarised as follows:

- Many of the issues raised in the third party appeal by the Waterford Inner City Alliance are very general and subjective and have been addressed in the two planning reports on file.
- The PA wishes to emphasise the strategic location of this 'Opportunity Site' within the city centre core.
- There has been no development of consequence in retail in Waterford in the last 20 years, with a resulting loss of competitiveness, despite a strict policy adherence to the primacy of the city centre and the prevention of comparison shopping movement 'out of town'. This is not sustainable for any city let alone a Gateway City and has led to a diminution in the capacity of the city centre to fulfil its economic function. If the current position pertains it will almost certainly lead to a change in policy allowing some retail external to the city centre.
- The PA has fully considered the potential impacts of the development in its assessment of the application and has considered appropriate planning conditions.
- The 'do nothing' scenario suggested in the appeal is not in the interests of the proper planning and development of Waterford city and is not sustainable. The site has remained fallow and derelict over 10 years and no other uses have been proposed. The current proposal is far more modest than that previously permitted.

- The development should be viewed as a potential catalyst for renewal and regeneration which will increase property values and, more importantly, add to the socio-economic profile of the city as a whole.
- The PA does not agree that Waterford city has a poor record in terms of the quality of the public realm and contests this statement, referring to recent urban renewal works including the Viking Triangle area and those in the vicinity of the site. The urban renewal works were the subject of extensive consultation and public participation and all submissions were fully considered.
- It is submitted that the issue of ownership is of little relevance in terms of assessing a planning application and the main consideration is whether a proposal is in the interests of the proper planning and sustainable development of the city.
- The PA questions the validity of the third party appeals, which do not appear to reflect and represent local views. The submission includes a letter addressed to the Chief Executive of Waterford City and County Council, dated 16th September 2016, which states that the Inner City Residents Association has no objection to the development and that they are not represented by the Inner City Community Alliance (appeal no. 1). It is unclear whether appeal no. 2 by Richie Ryan is representative of the Inner City Residents Association. In addition, the original objection was made by the Inner City Residents Association while the current appeal has been made in the name of the Barrack Street – Convent Hill – Priests Terrace Residents Association who did not make any third party submissions on the planning application. The PA is not aware of any legal entity entitled the Inner City Community Alliance and has never had any dealings with any such entity through its community networks.

4. **Observations**

6.4.1. Waterford Quakers

There is a submission on file by the Friends' Meeting House, Newtown, Waterford, signed on behalf of Waterford Quakers (Roger and Joan Johnson). The following points of same are noted:

- The site is adjacent to a former Quaker burial ground, which was given to the then Waterford City Council in the 1950s for use as an amenity area. There are over 400 people buried here, including many who were closely involved with the 19th century development of Waterford. One of the conditions of the gift was that the Corporation '*will not disturb the ground, or permit it to be disturbed, to a greater depth than one foot*'.
- The Waterford Quakers seek assurance that there would be no disturbance of the former burial ground during the development, in particular the excavation of the car park foundations. It is of great importance that the existing graves are not disturbed.
- The observer hopes that the proposed landscaping plan is fully implemented.

5. **Submission of Department of Regional, Rural and Gaeltacht Affairs**

6.5.1. The Development Applications Unit (DAU) of the Department has made a submission in response to the appeal, relating to archaeological heritage issues and Recorded Monuments. The following points are noted:

- The development is located within a Zone of Archaeological Potential within the historic city of Waterford, Recorded Monument WA009:005, which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994.
- A list of known archaeological monuments in the area is provided. It is highly likely that hitherto unidentified remains / features may be discovered during the course of detailed archaeological assessment and / or the site preparation phase.
- It is essential that an archaeological assessment be prepared in advance of development. The nature and extent of the assessment should be in accordance with the specifications of the Department. The development must make any

existing relevant site information available to the Department as it may require, to enable the Department to set out requirements for archaeological assessment and mitigation. Further specifications for any such assessment are provided.

- The determination and timeframe for any required archaeological mitigation can only be finalised and agreed following the completion of the detailed archaeological assessment. Requirements for the treatment of archaeological features or deposits within the site are set out.
- A detailed final report on the archaeological excavations shall be prepared and lodged with the PA and the Department.
- Requirements in relation to PA condition no. 4, relating to St Stephen's Graveyard and the 17th century house. The Department is of the view that the graveyard should be retained, conserved and presented as a historical graveyard. The proposed establishment of a modern, terraced garden is not considered to be appropriate treatment of a medieval graveyard. The Department is concerned that there is no proposed use for the 17th century house or the graveyard to form an integral part of the development. They should be appropriately conserved, interpreted, protected and made accessible as part of the overall development.
- Ground disturbance around or in proximity to a national monument of which the Minister or a local authority is owner or guardian requires the consent of the Minister under section 14 of the National Monuments Act 1930 (as amended). The requirements of section 14 are freestanding from the Planning and Development Acts.

6. Submission of An Taisce

6.6.1. The main points made may be summarised as follows:

- The site is located within a medieval walled area and adjoining the medieval St. Stephen's Church and incorporates a 17th century building.
- The scale and bulk of the proposal is highly problematic in its integration within the historic townscape requiring significant redesign to reduce impact.

7. Further Responses

6.7.1. The Waterford Inner City Alliance third party appellant has submitted a comment on foot of the applicant's response to the appeal, dated 25th November 2016. The following points of same are noted, in addition to the issues raised in the grounds of appeal:

- The appellants' concerns regarding the appropriate preservation of the Norman Quarter of Waterford city have not been fully addressed by the subject permission.
- Concerns about suburban, monocultural style of scheme; demolition of the existing structures on the site; lack of a housing element; piecemeal approach to the development of the site.
- A greater number of original structures should be retained on the site. Any development at the site should respect the integrity of surrounding heritage features including the city wall. The heritage of the area is not sufficiently protected by the development and it should be refused on this basis.
- The retail analysis provided by the applicant is inadequate to justify the development. Planning permission should be refused on account of heritage impacts alone.
- The submission recommends mitigation measures to be implemented in the event of permission being granted. The comments of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs are referred to in this regard. The recommendations include the following:
 - Omission of the pedestrian bridge due to visual impacts, including the adjacent Presbytery, a protected structure. The feature is not essential to the commercial viability of the scheme. Suitably laid out pedestrian crossings could be provided instead, along with further traffic calming measures. Disabled parking spaces could be provided at the bottom of New Street.
 - Improved treatment of the New Street streetscape, including the retention of the Manager's House. The façade does not present any direct access to

New Street apart from the main entrance at the corner of Michael Street, few links with the existing shopping area.

- Omission of car park frontage from Brown's Lane, to be replaced by more sustainable uses. The proposed tree planting provides inadequate screening at this location. The car park precludes any street level usage of Brown's Lane that might increase the vibrancy and vitality of the area.
 - Improved treatment of the setting of the Quaker burial ground and Wyse Park. The car park would be visually domineering, industrial in scale and essentially 'brutalist' when viewed from inside Wyse Park and from the Quaker burial ground.
 - No. 25 Michael Street should be retained. A letter issued by the Board on 27th May 2008, ref. PL31.224299, stated concerns over the proposed demolition of nos. 12 and 25 Michael Street due to their contribution to the historic streetscape. The applicant submitted revised plans including the retention of no. 25 Michael Street. This is an important vernacular building. The proposed entrance at this location is a jarring alteration to the traditional streetscape. The entrance canopy is an unnecessary element which adds to the visual dominance of the development and should be omitted. Further concerns about demolition of the rear of no. 12 Michael Street, possible presence of medieval remains in the annex to be demolished.
 - The Manager's House in Kiely's Yard should be retained. This is listed in the NIAH as a building of regional significance and is contiguous to St. Stephen's Graveyard. The present state of the building should not be used to justify its demolition. The omission of the pedestrian bridge would facilitate its retention.
 - St. Stephen's Graveyard should be maintained as an 'historic graveyard'. It is not acceptable to raise or lower the levels of the graveyard, nor to displace existing tombstones. An additional buffer of 2-3m around the graveyard should be preserved from development.
- The appeal by Richard Ryan / Barrack Street – Convent Hill – Priests terrace Residents Association should not be dismissed.

- Resources should be provided to enable the public and community groups to participate as equal partners in the planning process. Concerns about the involvement of Waterford City and County Council in the planning application, lack of public consultation during pre-planning discussions.
- The need for the development has been significantly overstated by the applicant. There is a high level of vacant retail units in Waterford City.
- The development is too narrowly focused on the short term retail development of the site at the expense of the heritage and character of the area.
- The submission is accompanied by particulars including a photomontage of the city walls and correspondence with the PA.

6.7.2. An additional PA response dated 10th November 2016 states no further comment.

7.0 **Assessment**

1. The following are considered to be the relevant issues for consideration in the subject case:

- Legal and Procedural Issues
- Principle of Development
- Retail Impacts
- Roads and Traffic Issues
- Overall Design and Layout
- Visual and Heritage Impacts
- Residential Amenities
- Appropriate Assessment Screening
- Site Services and Financial Contributions
- Planning Conclusion

These issues may be considered as follows. The EIA is set out separately below.

2. Legal and Procedural Issues

7.2.1. The applicant notes a discrepancy between the parties that made initial submissions to the PA and those that have now lodged appeals to the Board. Two third party appeals have been submitted:

- Appeal by John Clonoo, with an address at 114 Ballybeg Close, Waterford City, signed as 'John Clonoo for Waterford Inner City Alliance' (Appeal 1);
- Appeal by Richard Ryan of 22 Convent Hill Waterford, submitted on paper with the heading 'Barrack Street – Convent Hill – Priests Terrace Residents Association' (Appeal 2).

7.2.2. The applicant submits that the initial observation submitted to the PA was made by the 'Combined Inner City Residents Association, stated to represent the residents of Mount Sion Avenue, Doyle Street, Ignatius Street, Monastery Street, Barret Court, Barret Place, Convent Hill, Priests Terrace and Barrack Street'. The current submission is made by the 'Barrack Street – Convent Hill – Priests Terrace Residents Association'. The applicant queries whether these entities are one and the same and submits that the appeal should be declared invalid on this basis. In addition, the PA comments that the third party appeals do not appear to reflect and represent local views and that it is unclear whether Appeal 2 by Richie Ryan is representative of the Inner City Residents Association. The PA submits a letter addressed to the Chief Executive of Waterford City and County Council, dated 16th September 2016, which states that the Inner City Residents Association has no objection to the development and that they are not represented by the Inner City Community Alliance (Appeal 1). The PA is not aware of any legal entity entitled the Inner City Community Alliance and has never had any dealings with any such entity through its community networks.

7.2.3. There is a third party submission to the PA by 'Richie Ryan Chairman Inner City Residents Association' with an address at 22 Convent Hill, Waterford, received by the PA on 20th April 2016. I note that the submission and Appeal 2 were both signed by 'Richie Ryan' or 'Richard Ryan' of 22 Convent Hill, Waterford. I am satisfied that these are one and the same and that Appeal 2 can be considered on this basis. The initial observations and appeal submitted by John Clonoo, i.e. Appeal 1, are also consistent.

7.2.4. With regard to the substance of Appeal 2, section 127(1) of the Planning and Development Act 2000 (as amended) states that an appeal or referral shall:

- (a) be made in writing,*
- (b) state the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf,*
- (c) state the subject matter of the appeal or referral,*
- (d) state in full the grounds of appeal or referral and the reasons, considerations and arguments on which they are based,*
- (e) in the case of an appeal under section 37 by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations,*
- (f) be accompanied by such fee (if any) as may be payable in respect of such appeal or referral in accordance with section 144, and*
- (g) be made within the period specified for making the appeal or referral.*

Section 127(2)(a) provides that an appeal or referral which does not comply with the requirements of subsection (1) shall be invalid. Appeal 2 comprises a single page. It states that the Barrack Street - Convent Hill - Priests Terrace Residents Association object to the development for the reasons stated in the third party submissions to the PA. It further states that the Association objects to the development in its present form, also that the traffic and demolition would have an adverse impact on inner city residents. I consider that this submission meets the requirements of section 127(1), in particular section 127(1)(d), as it does clearly state the reasons why the third party is appealing the decision, albeit in a minimal fashion.

7.2.5. On this basis, I recommend that the Board should accept the third party appeals as valid and should consider them on their merits.

3. Principle of Development

7.3.1. All of Block 1 and most of Block 2 are zoned as 'City Centre Commercial' under the Waterford City Development Plan 2013 – 2019. Part of the eastern side of Block 2 is zoned as 'Open Space'. In addition, the site is located within the core shopping area of Waterford City, as identified in Figure 4 of the plan.

7.3.2. Development plan Core Strategy Objective 2.1.6 is to protect and strengthen the retail primacy of Waterford City within the South East Region. The Waterford City Retail Strategy (2011) and the development plan both note that the retail representation of Waterford City has remained static for a number of years and that other regional centres such as Kilkenny are currently challenging it for retail primacy. They note the issue of 'expenditure leakage' due to improvements in the retail offer of nearby competing centres and to improved transport connections, particularly with regard to comparison retailing. Retail strategy section 1.2.4 notes:

"... the choice, diversity and overall mix of retail could be greatly improved, in particular the City lacks major retail anchors and national and international fashion multiples that would normally be found in a City of this scale. The retail profile of the City is not commensurate with its status of a Gateway and significant City Centre."

In addition, development plan section 5.2 notes that large floor plates capable of accommodating new retail formats are not readily apparent in Waterford city centre. There is a concern about the loss of comparison and convenience retailers in the prime retail pitch area and their replacement with less desirable retail services and lower order retail uses. The city centre therefore requires significant investment and redevelopment. Development plan Chapter 4 sets out a retail hierarchy for Waterford city, with the city centre at the primary tier. Development plan section 4.3 states:

... from a NSS and RPG perspective, Waterford City can be classified as currently underperforming in its role as a Gateway, in not having the retail influence, offer and attraction of other Gateway cities such as Cork, Galway and Limerick.

Accordingly, the City must now develop a range of comparison retailing attractions commensurate with its Gateway status. The City needs to develop an enhanced range of new larger department variety stores coupled with high street fashion brands sited in key central locations. It is envisaged that this would act as a catalyst for further development and complement the range of independent retailers currently represented in the City.

On this basis, the plan provides for the extension of the core shopping area along the main spine to include Millar's Marsh and Railway Square. There is a stated policy to promote the development of opportunity sites in the core shopping area and other

identified edge of centre sites for appropriate city centre retail development (policy 4.3.5). Development plan section 4.8 states:

The order of priority is to seek to locate retail development in the city centre: only where it can be demonstrated that there are no sites which are (a) suitable, (b) available and (c) viable, will an edge-of-centre or out-of-centre site be considered. Within the core shopping area, all sites are considered to be of equal priority and development will be determined solely by the criteria of suitability, availability and viability.

- 7.3.3. Further elaboration of the relevant retail policy in the Retail Strategy identifies the core shopping area of Waterford City (Map 9.1), including the subject site. The subject site is indicated as 'Block C' or the 'Newgate Block' opportunity site, ref, Maps 8.3 and 8.4. The block is identified as being closely linked to the principal shopping streets. The then extant planning permission on the site is noted, ref. PL31.224299. The strategy identifies the redevelopment of the block as a priority with the Newgate Block and Block A (to the north) stated as presenting the most significant opportunities for retail development and expansion of all the opportunity sites identified.
- 7.3.4. A small area on the eastern side of Block 2 is zoned as open space in the development plan. Development plan section 12.9 notes that the 'open space' zoning includes lands zoned for natural heritage protection in association with new development areas. Such lands are to be made available to the public in conjunction with the development of the associated development lands. The zoned area is to be developed as part of the proposed car park. I note that 'car parks' are permissible under this zoning objective, ref. development plan section 12.12. Potential impacts on Wyse Park are considered further below.
- 7.3.5. The proposed development is generally considered to be acceptable in principle with regard to the above zoning and development plan policies, subject to retail analysis as discussed below. I note the planning history of the overall site in this regard, including the larger development permitted in 2008 under PL31.224299. However, I also note that national economic situation and market conditions have changed significantly since 2008, that the DoELG Retail Planning Guidelines (RPG) were updated in 2012 and that a new City Development Plan was adopted in 2013. The

subject proposal is therefore to be considered on its merits, with regard to existing circumstances and current retail and planning policy.

4. Retail Impacts

7.4.1. The development has a stated gross retail area of 10,030 sq.m. with ancillary café / restaurant area of 635 sq.m. (Units 3, 9 and 12), divided as follows:

Retail Unit	Stated Floor Area (sq.m.)
Anchor Store	2,830
Medium Size Unit (MSU) 1	737
MSU 2	737
MSU 3	737
MSU 4	1,484
MSU 5	990
Unit 1	45
Unit 2	410
Unit 4	363
Unit 5	261
Unit 6	271
Unit 7	310
Unit 8	265
Unit 10	416
Unit 11	114
No. 12 Michael Street	110
Total Retail Floor Area	10,030

7.4.2. The RPG identify Waterford City at the 'metropolitan' tier, the top of the national retail hierarchy, providing a range of high-order comparison shopping which is largely unmatched in smaller cities and towns. Section 2.3 of the RPG states a policy of enhancing the vitality and viability of city and town centres, including enhancing their character by introducing appropriate new uses into historic buildings. The development in accordance with this policy and its location within the core shopping area of Waterford is in accordance with the priorities of the sequential approach outlined in the RPG and the Waterford City Retail Strategy. Section 4.4. of the RPG states the following in relation to sequential analysis:

Where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies are not required.

In addition, development plan section 4.13 states the following with regard to sequential analysis:

It should be noted that it is not appropriate to assess all applications for new retail development against all the criteria, particularly developments which are clearly in accordance with the strategy ...

Retail impact statements will generally not be required for retail developments that are located within defined Development Plan retail centres namely city centre, district centre and neighbourhood centres and for those that generally accord with the strategy.

- 7.4.3. The applicant submits on this basis that the site should not be subject to sequential analysis or qualitative retail impact assessment. I note that RPG section 4.9 also states:

However, where a planning authority considers an application for planning permission to develop a new retail development to be particularly large in scale compared to the existing city/town/district centre, or where a retail strategy or development plan has allocated a specific type and quantum of retail floorspace to a particular settlement and a proposed development absorbs on one site the bulk of that potential retail floorspace, the planning authority may request the applicant, by way of a Retail Impact Assessment (RIA) as set out in Annex 5, to demonstrate compliance with the development plan and that there will not be a material and unacceptable adverse impact on the vitality and viability of any existing centre. This is a matter for careful technical assessment and professional judgement.

- 7.4.4. The Waterford City Retail Strategy provides analysis of retail floorspace requirements for Waterford city and is the basis for the retail policy set out in Chapter 4 of the current development plan. It is based on data from the 2006 census and additional survey data collected in 2011 comprising floorspace data, a shoppers

survey and a household survey of 500 households. The strategy takes into account the development permitted at the subject site under PL31.224299, referring to it as the ‘Newgate Development’ (gross retail floor area c. 23,700 sq.m.). The permitted scheme is included in figures provided for ‘existing floorspace’ in Waterford city, ref. Table 4.1 of the strategy. The floorspace assessment provided in Chapter 7 states a projected requirement for additional retail floorspace as follows notwithstanding that permitted under PL31.224299:

Type of Floorspace	2016		2022	
	Low Growth Scenario	High Growth Scenario	Low Growth Scenario	High Growth Scenario
Convenience	Both 1,786 sq.m.		Both 5,647 sq.m.	
Comparison	20,219 sq.m.	22,104 sq.m.	33,685 sq.m.	38,490 sq.m.

With regard to these matters, I do not consider that the proposed retail floorspace would meet any of the criteria specified in RPG section 4.9 for requirement of a RIA, i.e. (i) large scale relative to the existing city centre or (ii) absorb the bulk of the quantum of retail floorspace allocated in the Retail Strategy.

7.4.5. The third party submissions on file question the need for additional retail floorspace at this location, stating that there are existing vacant retail units in other city centre developments, such as the North Quays. They also propose an alternative vision for the subject site. I visited Waterford city centre on a shopping day. While the commercial core was vibrant and busy, I noted that there are indeed existing vacant units at various locations in the city centre. However, on balance, I consider that the proposed development is acceptable with regard to overall retail impacts and that further retail impact and sequential analysis are not necessary in this instance for the following reasons:

- The derelict nature of much of the existing site currently detracts from the appearance and vitality of the area. The existing multi storey car park is not an optimum use of zoned, serviced land in the city centre;
- The site has a strategic location within the core shopping area of Waterford city. It is zoned for commercial development and is designated as an opportunity site under the current development plan, to be prioritised for development;

- The development is in accordance with national and local planning policy to enhance the vitality and vibrancy of city centres;
- The current retail strategy provides for additional convenience and comparison floorspace for Waterford city, notwithstanding the large retail development already permitted at the subject site;
- The development is in accordance with the stated development plan objective to provide larger retail units of sufficient size to attract high quality international retail brands to Waterford and to allow for the extension of the retail core.
- The development in accordance with national policy for 'plan led' retail development, as stated in the RPG.
- As noted in the RPG, it is not the role of the planning system to inhibit competition or preserve commercial interests.

5. **Roads and Traffic Issues**

7.5.1. The third party appellants and several observers state concerns about potential traffic impacts associated with the development, including related impacts on the residential amenities of the area. At the outset, I note that the same concerns also arose in the course of PL31.224299, which included a car park for 628 no. spaces within Block 2. That case was considered in the absence of the ongoing road improvements that are currently underway as part of the Waterford City and County Council urban renewal scheme. The scheme builds on transport improvements outlined in City Development Plan Chapter 6. It is focused on the medieval core of Waterford and aims to achieve an integrated, highly accessible, compact and vibrant city centre. It is a comprehensive suite of measures to develop the public realm and improve accessibility and permeability. The transport / accessibility objectives include new road configurations to prioritise public transport with bus lanes, bus only routes and bus priority measures at signal controlled junctions; an enhanced pedestrian environment; improved pedestrian linkages with the provision of new cycle lanes / tracks and cycle parking facilities and the provision of relocated and additional taxi rank areas. The scheme was scheduled to commence in 2016 with completion by 2018. I noted works underway at the Applemarket at site inspection in January 2017.

7.5.2. The urban renewal scheme was prepared taking into account the development permitted under PL31.224299. The permitted development is indicated in the scheme layouts, including the multi storey car park within Block 2 with access from Brown's Lane and exit to John's Lane. The scheme includes the following additional works in the immediate vicinity of the site that facilitate the proposed development, presumably included on foot of the permission of PL31.224299:

- Conversion of Castle Street from a two way thoroughfare to a cul de sac accessed from Manor Street only, preventing access to Brown's Lane;
- Brown's Lane, currently one way south bound, is to be widened to facilitate two way traffic, incorporating part of the subject site, with the provision of a dedicated right turning lane for access to the car park;
- The Brown's Lane / Newgate Street / Barrack Street junction to the west of Blocks 1 and 2 is to be signalised;
- An existing taxi rank is to be relocated from John Street to New Street, which would also facilitate the development;
- Stephen's Street is to become one way with south bound traffic towards Newgate Street only.

The car park access and exit are in accordance with the layout indicated in the urban renewal scheme. There is a service yard on the southern side of Block 1, accessed from New Street. Details of autotrack analysis and visibility distances are provided for the vehicular accesses and car park layout. These are acceptable with regard to the restricted urban nature of the site and to the limited design speed. Proposed road works to facilitate pedestrian access to the scheme comprise an uncontrolled pedestrian crossing across John's Lane and New Street. It is submitted that the pedestrian bridge would allow large HGVs to access the service area and segregate pedestrians from vehicular traffic. The roads layout as currently proposed is therefore generally in accordance with the provisions of the urban renewal scheme.

7.5.3. With regard to parking provision, the development involves the demolition of the existing New Street car park (301 no. spaces) and the construction of a new multi storey car park in Block 2 containing 385 no. spaces, amended to 383 no. spaces in the revised layout submitted as further information in July 2016. The development

therefore involves a net increase of 82 no. car parking spaces. The development plan states a car parking requirement of 1 space per 50 sq.m. of net retail space at city centre locations. This would entail a requirement of c. 200 spaces for the development. The applicant submits that the proposed parking quantum has been determined in consultation with the PA. There is no scope to increase the parking provision due to the physical and heritage constraints at Block 2, where the car park is located. I note that the traffic and parking strategy outlined in Chapter 4 of the urban renewal scheme provides for a new multi storey car park at Brown's Lane, as a suitable location for parking prior to pedestrian access to the city centre. I consider that the parking provision is acceptable with regard to the provisions of the urban renewal scheme and to location of the site in the core shopping area. Development plan cycle parking standards require the provision of 1 rack per 200 sq.m. net retail space. The development includes cycle parking areas at the Michael Street and Stephen's Street entrances to the scheme, which is satisfactory.

- 7.5.4. The retail development would generate a significant amount of traffic in the city centre context. The TIA in EIS Chapter 15 analyses 10 no. junctions in the vicinity. The junction analysis carried out for the PM peak hours for an opening year of 2018 and a design year of 2033 indicates that junctions analysed would operate with significant spare capacity up to 2033. The AM peak is not analysed, however this is considered unnecessary given that retail outlets generally would not open until later in the morning, when the AM peak has passed. The EIS does not specifically consider potential impacts associated with HGV movements. The development includes a service yard on New Street on the southern side of Block 1, to be used for HGV deliveries. The urban renewal scheme includes a strategy for servicing and deliveries in the city including the routing of such vehicles via core city orbital two way links and one way links. The New Street service yard is compatible with this strategy. The EIS does not identify any significant potential for cumulative traffic impacts, noting that there are no major committed developments proposed in the vicinity of the site. This conclusion is accepted given the lack of large scale development in Waterford City Centre, as stated in the PA submission on file. I also note that reports on file of the Roads and Transportation Department of Waterford City and County Council do not raise any substantial concerns. Having regard to the permitted and ongoing roads and transportation improvements in the vicinity, to the

proposed parking provision and to the EIS traffic analysis, I am satisfied that the development would not have a significant adverse traffic impacts overall. While there will be increased traffic arising from the development, this must be viewed in the context of its central location and the wider role of the city centre.

- 7.5.5. The EIS does not provide any detailed analysis of construction traffic. According to the submitted Construction Management Plan (CMP), construction is expected to last for approximately 2 years. The development requires a substantial amount of demolition and ground works. The CMP states that approximately 40,000 cu.m. or 64,000 tonnes of material is to be excavated from the site over a 2-3 month period. It anticipates 3,200 lorry runs (each lorry having a 20 tonne capacity) during that period. Construction hours are stated as 8am – 8pm, Monday to Friday. This would entail c. 53 no. lorry runs daily over a 3 month period. CMP section 8.0 outlines general traffic management issues. A detailed traffic management plan for the construction works is to be developed with the PA, to take account of specific site conditions and existing local traffic volumes. Periodic reports are to be submitted to the PA demonstrating that the site is operating in accordance with the approved plan and businesses. The construction phase would undoubtedly lead to traffic disruption in the short term. However, this is unavoidable and would be temporary in nature. Having regard to the need for city centre development and to the overall suitability of the site, the construction traffic impacts are considered acceptable subject to the satisfactory implementation of traffic management measures, in agreement with the PA.

6. Overall Design and Layout

- 7.6.1. The RPG state a national policy objective to ensure that retail development plays its part in realising quality outcomes in relation to urban design. Quality design aims to create attractive, inclusive, durable, adaptable places for people to work in, to live in, to shop in, or pass through. The shopping centre at Block 1 has been designed to provide pedestrian connections with the commercial spine of Waterford city running along Barronstrand Street, Broad Street, Michael Street and John Street. It therefore represents a logical expansion to the existing retail core, as is reflected its designation as a retail opportunity site. The proposed layout and elevations interact satisfactorily with Michael Street and with the Applemarket public space and have been designed to integrate with the Waterford City and County Council urban

renewal scheme currently underway at those locations. These elevations are discussed in more detail below. The interior of the shopping centre is laid out to overlook a central pedestrian plaza and makes an additional positive contribution to the public realm. The public plaza is partially covered by a pergola structure and translucent canopy, which also oversails part of the roof terrace / podium. The escalators to podium level and the layout of the roof of the shopping centre as a public open space with pedestrian access from Stephen's Street is satisfactory as it enhances the amenities of the area and increases pedestrian permeability from Stephen's Street. The podium level is indicated as a location for future development on some drawings. Any such proposals would be the subject of a separate planning application and would be considered on their merits. The New Street frontage has been designed to provide interest with a variety of finishes including areas of glazing and metal cladding, however there is a lack of active frontages and street interaction at ground floor level. The creation of an additional active frontage to the ground floor of retail unit no. 5 would be desirable and could be required by condition.

The multi storey car park at Block 2 has 2.5 stories with parking on the roofs behind a parapet. It is cut into the hillside such that the lower levels form basements. The higher part of the building fronts onto Brown's Lane at the western end of the site and the vehicular access is at this location. The exit is to John's Lane at the lower end of Block 2. The car park introduces a large, blocky structure, replacing the existing low profile mix of buildings and boundaries. The proposed finishes comprise precast concrete panels of contrasting colours with steel railings to the open areas. I consider that this element of the scheme is less successful overall than the shopping centre at Block 1, primarily due to the 'big box' dimensions necessitated by the requirements of the car park layout and to the horizontal emphasis of the external elevations. The elevation presenting to Wyse Park to the immediate east is particularly unsatisfactory, there is a likelihood that the car park would tower over the adjacent public open space, due to the difference in site levels. However, the provision of a car park is essential to the success of the overall scheme and the proposed location is rational given the need to connect the retail space to the city centre commercial area. The design has made the best possible use of the topography of the site, also with regard to limitations presented by the presence of the Quaker burial ground to the immediate south and Wyse Park and the former

grounds of St. John's Priory to the west. The 'step' in height breaks up its overall mass somewhat. However, a more adventurous external 'skin' could have been used to provide some interest at this sensitive location and reduce the horizontal emphasis. The layout and dimensions of the car park are acceptable overall in this context. It should also be noted that the overall dimensions of the current proposal for Block 2 are substantially less bulky than those permitted under PL31.224299. The quality of external finishes and landscaping will be critical to mitigate its visual impacts. The visual impact of this part of the development is considered further below, with regard to impacts on Wyse Park and the Quaker burial ground.

7.6.2. The pedestrian bridge over New Street, between the shopping centre and the car park, is a controversial element of the scheme. The DoAHG and several third parties have stated serious concerns about its visual impacts. In addition, the PA was not satisfied with the internal layout of the pedestrian area within the car park and condition no. 9 of the permission requires the submission of a revised design. The applicant submits that a pedestrian connection from the car park to the development is essential to ensure that footfall for the scheme is not diluted to the wider area. Otherwise, car park patrons will not walk through the shopping centre to access Waterford city centre. The bridge is necessary to ensure use of the 'podium' area on the roof of the shopping centre, which is to be landscaped as an urban garden to provide context for the conservation of St. Stephen's Graveyard and the 17th century house (see discussion below). The bridge also facilitates universal access to the car park and to the shopping centre. I note that the car park also has a ground level secondary access at the John's Lane exit. In addition, the development includes an uncontrolled pedestrian crossing at New Street and Johns Lane, although full details of same have not been submitted. Having inspected the site and the surrounding area, I have concerns about the visual impact of the bridge. The design is angular and, given that it is located at the higher part of the site, it would be visible from many vantage points in the area. I have particular concerns about potential impacts on the setting of St. John's Presbytery, a substantial Georgian house at the western end of New Street. It is a protected structure, RPS no. 321 and is listed in the NIAH as being of Regional importance. It remains in use as presbytery. The NIAH appraises it as an important substantial building of balanced Georgian proportions, of significance as evidence of the growing prosperity of the merchant class in Waterford

in the mid to late 18th century and for its subsequent conversion to use as an ecclesiastical residence. The house is an imposing feature in the streetscape of New Street, and contributes to the historic fabric of the street. EIS photomontage no. 15 shows the bridge in the context of St. John's Presbytery. Additional detail is provided in drawing no. 6023-050, which shows a 3D view of the bridge. The visual impact at this location is assessed in the EIS as significant and positive. I would consider that the bridge is likely to detract somewhat from the setting of the Presbytery in local views, however it is not immediately proximate to the structure and there would be no direct impacts. In addition, as noted by the PA, the setting of the Presbytery is already somewhat compromised as it overlooks the derelict area of Kiely's Yard. I consider that the pedestrian bridge is acceptable, albeit with some reservations, given its functional importance to the overall success of the development and the roof level public open space. If permission is granted, conditions should be imposed requiring a revised internal layout to achieve a more satisfactory public entrance to the car park.

7.6.3. EIS chapter 9 provides a Landscape and Visual Impact Assessment (LVIA) of the scheme. It considers projected visual impacts from a total of 19 no. vantage points adjacent to the site and in the wider context of Waterford city. The views chosen are considered to be reasonably representative of likely visual impacts. Views nos. 1-3 from distant locations are imperceptible or slight impacts. The remaining views from locations closer to the site are assessed as slight or moderate and positive or neutral, except for the following:

- View no. 7 from Castle Street including the city wall and tower. The impact is assessed as significant and neutral.
- View no. 15 from the junction of Stephen's Street and Newgate Street, indicating the multi storey car park and pedestrian bridge. The impact is assessed as significant and positive.
- View no. 17 from New Street looking west towards the pedestrian bridge. This view is assessed as significant and neutral.
- View no. 18 from Applemarket. This view is assessed as significant and positive.

These views are assessed in detail below with regard to heritage impacts. The EIS assesses the overall landscape and visual impact of the development as significant

and positive. The only potential cumulative impacts identified are those associated with the urban renewal scheme, which are assessed as positive.

7.6.4. I generally accept the conclusions of the EIS. The development replaces an existing series of derelict structures and a large multi storey car park. The elevations to adjacent streets are carefully considered and balance the need to provide well functioning retail floorspace within the constraints of street patterns, site dimensions, topography, and heritage issues. While the pedestrian bridge is problematic, it is functionally necessary and would encourage the use / supervision of the public open space at roof level. I therefore consider that the development makes a positive contribution to the public realm overall and has a satisfactory visual and landscape impact.

7. Visual and Heritage Impacts

7.7.1. General Principles

The site is located in the historic centre of Waterford city. The suburb of St. John's Priory developed from the 13th century onwards and was enclosed by walls in the late 15th and early 16th centuries. The site is within a zone of archaeological potential and is a Recorded Monument along with the entire centre of Waterford, ref. WA 009-005.

The DoAHG states concerns about the proposed demolition works. It considers that the application provides insufficient investigation into alternatives to demolition and inadequate assessment of the fabric of the existing buildings and other structures at the site. The Department also considers that several of the buildings on the site are capable of refurbishment and adaption to a new use in the context of site redevelopment. The applicant contends that the permission of PL31.224299 establishes a precedent for the principle of overall site clearance and significant redevelopment at this location. It is submitted that the previous development was the subject of a rigorous heritage assessment by both the PA and the Board. The current design approach is therefore contingent on a substantially vacant site. This is necessary in order to facilitate the quantum of retail development required under the site's zoning objective and in accordance with development plan retail and city centre planning policies. The EIS outlines mitigation measures for the protection of adjoining protected structures. It concludes that the proposed site clearance and

demolition works will result in a slight loss to the historic urban fabric and the streetscape character of Michael Street and Alexander Street with a slight to moderate cumulative impact. It also concludes that the demolition of the New Street car park and part of the former De La Salle social club on Stephen's Street within Block 1 and the WIT buildings within Block 2 will not give rise to architectural heritage impacts, subject to the implementation of mitigation measures.

These points are generally accepted with regard to the site's zoning as an opportunity site within the core shopping area of Waterford. I also note the submission of Waterford City and County Council regarding the strategic importance of the site to the development of Waterford city centre and to the lack of development at this location in the last decade. The proposed site clearance works are considered to be generally acceptable in principle. While potential heritage impacts are noted and assessed in detail below, I do not consider that the heritage of this part of Waterford would be well served by retaining the subject site in its current disused and derelict condition.

I note the third party concerns regarding potential structural impacts on adjoining properties, however these could be addressed by way of a condition requiring an agreed construction methodology. While some temporary adverse impacts from dust, noise and vibration are unavoidable during demolition and construction, these matters are addressed in the EIS and satisfactory mitigation measures are proposed. Potential short term commercial impacts as a result of construction disruption must be weighed against the long term benefits of increased footfall and vibrancy in this part of the city as a result of the proposed scheme.

The entire site lies within the medieval city, Recorded Monument WA009-005. The site occupies c. 8% of the area of the city that was ultimately enclosed by a wall in the 16th century. It does not include any part of the pre 13th century nucleus of the Viking city. Due to the location of the site within a Recorded Monument, national policy (DoAHG, 1999) advocates a presumption in favour of *in situ* preservation. The development involves a substantial amount of excavation due to the sloping nature of the site as the ground floor of the shopping centre will be at the Michael Street level and the car park has basement levels. According to the EIS, the proposed formation level of construction is approximately 9m AOD (above ordinance datum), 0.25m – 2.5m below the current topographic elevation of Michael Street. Excavations

will extend to a depth of c. 10-11m to the west of the site, where the topographic elevation of Stephen's Street is c. 20m AOD. EIS section 32.3.3 states that the development would require the excavation of c. 40,000 cu.m. of geological material to create space for the basement levels. *In situ* preservation of archaeological material would preclude the development of a basement. The development will therefore involve the removal of c. 8% of the area of the walled medieval city.

Archaeological testing was carried out at the location of New Street car park in 1999, there were no finds of any material of archaeological significance. Further testing carried out in 2000 within Block 2 found that the area was of limited archaeological importance. Testing at Kiely's Yard in 2003 found no evidence of medieval remains or deposits. Extensive archaeological testing of the overall site was carried out in 2006 and 2007, in advance of the previous proposal. The findings are summarised in EIS Appendix 13, showing that only fragmentary and isolated archaeological strata survived on the site. It is submitted that the preservation of this fragmentary and isolated archaeological strata is not justifiable in the context of the precedent set by the permission of numerous planning permissions for development involving basements in historic cities of Ireland (all Recorded Monuments) since 1999. I note the following points made in the comments on file by Maurice F. Hurley, Consultant Archaeologist, in response to the DoAHG submission:

"Within this area a total of forty-one test-pits excavated by three different archaeologists and the testing of a large area underneath the 1990's car park have all provided the same results ... i.e. little or no material of archaeological significance occurs in the ground. With each successive testing the picture becomes clearer; area after area, where for one reason or another, archaeological strata are not present beneath the contemporary fabric. It is salutary, therefore, to reflect that 8% of the area of a medieval city does not necessarily equate to 8% of the city's archaeological resource; - some areas may have no surviving archaeological material, while other areas may be extremely rich. Preservation in situ of archaeological strata has no validity where no archaeology is present."

This point is accepted. In addition, full archaeological excavation in order to allow preservation by record is a prerequisite where permission for a basement is granted within a Recorded Monument. The EIS recommends the full archaeological excavation of the entire area where the basement will occur as a basic requirement.

The archaeological excavation will thus remove any remaining archaeological layers from the ground and replace those with the archaeological record, which should be of the highest standard possible to ensure maximum public benefit. In this respect, the development will provide a beneficial impact on the cultural heritage of the area.

The Department considers it imperative that a detailed archaeological strategy be prepared in advance of any planning decision on the subject site. The applicant has already submitted archaeological assessment of the site and is willing to carry out further archaeological excavation at the site. The applicant submits that the site could be excavated in a three month timeframe. Conditions requiring same can be imposed if the Board is minded to grant permission. A similar approach was adopted in the assessment of PL31.224299. I note that condition no. 5 of that permission required the developer to carry out an archaeological assessment and to agree further archaeological resolution of the site with the PA prior to commencement of construction work. The developer was also required to carry out a detailed archaeological excavation of the site under licence. In this case, the PA is satisfied that the issue of an archaeological strategy for the site can be dealt with by condition and managed in a phased and integrated manner by a team of specialists employed by the developer, ref. planning report dated 18th August 2016. This issue can therefore be further resolved by condition if the Board is minded to grant permission.

The proposed demolition, site clearance and excavation works are considered to be acceptable in principle with regard to the above. The following assessment considers potential archaeological impacts and impacts on the individual historic buildings, protected structures and Recorded Monuments that are present at or in the immediate vicinity of the site. Potential impacts are considered with regard to the guidance provided in the DoAHG "Architectural Heritage Protection Guidelines for Planning Authorities" (2011). Potential visual impacts are considered in conjunction with heritage impacts due to the importance of potential impacts on the setting of protected structures and Recorded Monuments.

7.7.2. St. Stephen's Graveyard and 17th Century House

These are located in the south western corner of Block 1, in the vicinity of Kiely's Yard. The house and graveyard are listed as a single protected structure, RPS no. 432. There are 4 no. recorded monuments in the area, i.e.:

- St Stephen's Church WA009-005026;
- St. Stephen's Graveyard WA009-005119;
- 17th century house WA009-005038;
- Site of leper hospital WA009-005035.

The entire area was completely overgrown until 2015, when clearance works were carried out by Waterford Civic Trust.

St Stephen's parish church and graveyard, SMR WA009-005026 and 119. The church is first mentioned in historic sources in 1441 but may be earlier. It was in ruins by 1842. The graveyard probably existed since the foundation of the church and may contain burials from the 13th to the 19th century. Historic maps indicate the graveyard as rectangular with the church at its centre. It was reduced by road widening to the south by 1872. The stone wall fronting New Street / Stephen's Street today is set c. 3m back from the original line, consequently part of the graveyard underlies the road or was partly removed by road construction. The latter is likely as the extant graveyard stands c. 1.5m – 2m higher than the level of the adjacent road. The graveyard is marked as disused in the 1922 O.S. map. Very few tombstones survive at the site although some 19th century stones remain. An associated leper hospital, SMR WA009-005035, was founded by Prince John in 1185 and built shortly thereafter. Its exact site is unknown but it is thought to occur largely within the curtilage of St. Stephen's Graveyard. Cartographic evidence indicated its survival until as recently as 1962. The structure referred to as the 17th century house, SMR WA009-005038, has date-stones of 1632 but may be the rebuilding of the earlier leper hospital. The house is now roofless, overgrown and in a state of disrepair with no original windows or doors remaining. The structure consists of 4 outer 17th century rubble stone masonry walls with 19th century brickwork repairs and additions. It was used for storage purposes associated with the bottling yard.

This area is at a higher level than the shopping centre, at the Michael Street side of the site. The house and graveyard are to be retained at their existing levels. The area around the 17th century house is to be retained as a pedestrian terrace linking to a landscaped 'podium' on the roof of the shopping centre and to the pedestrian bridge over New Street to the car park. The shopping centre roof is to be laid out as a 'wildflower meadow' to complement the historic structures. The area is to have a separate pedestrian access to Stephen's Street. The landscaping plan by Mitchell + Associates provides further details, indicating terraced seating around the graveyard. A grid of piles is to be inserted to the north and east sides of the 17th century house, isolating it from the excavation of the ground floor level of the retail unit. The vegetation at the house is to be removed and the stonework is to be repaired, consolidated and repointed. The site of St. Stephen's Church, graveyard and leper hospital is to be presented as an 'urban garden' with surface landscaping that will maintain its character as a burial ground and integrate its appearance with the adjoining area. This area is at a lower level than the 'podium' (see cross section ref. drawing no. 6023-030) and is to be spanned by the pedestrian bridge. Any surviving tombstones are to be retained in situ as far as possible. Any stones found ex situ are to be placed against the wall or other appropriate place. A new internal path is to follow the line of an existing path. The graveyard walls including that to New Street are to be 'reduced to an appropriate level to the urban garden and its surrounds' without impacting on the graveyard. An existing gate and steps from New Street to the graveyard are to be maintained. The internal wall between the graveyard and the 17th century house is to be conserved and made good. Interpretative signage is to be provided adjacent to the footbridge. Aerial views of the proposed arrangement are provided in the architectural and urban design statement by Burke Kennedy Doyle architects submitted with the application. An overview of this aspect of the scheme is provided in photomontage no. 6, *View from Newgate Street at the Junction with Mayors Walk*. The EIS assesses the overall visual impact as moderate and positive at this location. I concur with this view.

A detailed conservation methodology for the works to the graveyard and the 17th century house is submitted as EIS appendix 14.1. The proposed works to the graveyard are assessed as in the EIS as having a slight negative impact, however the programme of landscaping and conservation of the graveyard and 17th century

house are assessed as a significant positive impact, allowing for public access and the ongoing conservation and management of the area in a controlled environment. According to the conservation methodology, the setting of the site is much altered by later development and ground reduction.

The PA requested further information on this aspect of the development. The applicant submitted a method statement for demolition and excavation and photographic survey of the 17th century house by John Cronin & Associates and a structural assessment of the works by Tobin Consulting Engineers, dated July 2016. This provides further details of the works to be carried out to the 17th century house. The ground levels at the southern side of the structure are to be raised to 150mm below the internal floor level, this would improve the long term stability of the wall. An unstable area of the northern elevation is to be removed and rebuilt. The north west and south west elevations are to be repaired. Temporary measures are proposed to support the structure during construction works. The construction works involve piling c. 5m from the western wall and c. 3.5m from the northern wall of the structure. A detailed piling methodology is provided, including vibration monitoring and structural survey. The applicant submitted an additional report by John J. Lauder Consulting Engineer with specific conservation expertise, dated 28th June 2016. This comments that the original masonry walls are inherently stable, although more recent elements have collapsed or are in the process of doing so. The structure has been severely weakened by extensive vegetation growth. The report recommends the removal of all plant growth, of the decaying roof and of non-original additions to the structure. Conservation works are recommended for the original walls. Piling at the stated distance should not damage the existing structure if vibration values are within the stated range.

The DoAHG comment on file dated 28th April 2016 states concern that the construction of a new development within 3m of these historic areas is not acceptable due to adverse impacts on visual amenity and potential impacts on structural stability, including the proposed piling. I also note the DoAHG comment dated 26th July 2016, which recommends that the graveyard should be retained, conserved and presented as a historical graveyard. I consider that the proposed landscaping works are compatible with this objective. In addition, the works to the graveyard would allow for the preservation of the archaeological resource below the

surface, including the remains of human burials. The DoAHG also state concerns that the scheme does not propose any active use for the 17th century house. However, given the current dilapidated condition of this building, I consider that the proposed conservation and ongoing maintenance represents an opportunity to maintain public access to the building, which does not exist at present, and to allow it to be maintained and interpreted in a controlled and managed environment.

To conclude, I consider that while the development will completely change the context of St. Stephen's Graveyard and the 17th century house, it been designed to provide a considered setting for these Recorded Monuments, which has been balanced with the desirability of developing the subject site, as discussed above. I am satisfied that adequate details have been submitted regarding the proposed archaeological and conservation methodologies and that these issues can be resolved further by condition.

7.7.3. New Street Including Kiely's Yard

The New Street elevation presently comprises the rear of no. 25 Michael Street, Greer's yard, the entrance to New Street car park, New Street Garden and Kiely's Yard, including the Manager's House. The street has limited historic character at present given the loss of most of the original structures on its northern side and the presence of the 1990's multi storey car park. There is a plaque on the eastern side of New Street Gardens commemorating the first school opened by Edmund Ignatius Rice, which was located at no. 8 New Street. The school building was replaced by a mid 20th century house, which has since been demolished. The plaque is to be reinstated within the development at a location to be agreed with the PA. A post box set into the boundary of St. Stephen's Graveyard on New Street is to be relocated as part of the development. This is listed on the NIAH, ref. 22502994 and is rated as having Regional importance.

The existing complex at the former Kiely's Bottling Plant, including the Manager's House, is to be demolished. The Manager's House is listed on the NIAH, ref. 22501342, of Regional importance. According to the NIAH, it was built c. 1730 and renovated c. 1880 and again c. 1955. The NIAH appraises the house as an important middle-size building of particular significance due to its early age, as evidenced by the steep pitch of the roof, which retains some of its original form and

character, together with some important early-surviving salient features and materials. The interior space containing the offices is of special interest and enhances its importance. The demolition of the Manager's House and other buildings within Kiely's Yard is assessed in the EIS as having a slight negative cultural heritage impact. The demolition was permitted under PL31.224299. The Inspector's report on that case gives detailed consideration to the matter, noting that their retention would necessitate significant revisions to the overall scheme. The same is the case for the current proposal as the demolition is to facilitate the creation of a pedestrian bridge to the multi storey car park, as discussed above. I concur with the Inspector's conclusion in the previous case, i.e. that the demolition is acceptable overall in the context of the redevelopment of the site, subject to appropriate recording and recovery.

The overall treatment to New Street has been designed to take advantage of the sloping topography. Greer's yard and No. 25 Michael Street, at the junction with Applemarket are to be demolished to facilitate the creation of a new pedestrian access at this location. The demolition of no. 25 Michael Street was originally proposed under PL31.224299. However, the Board issued as section 132 request on 27th May 2008, which required various amendments to that development including the retention of no. 25 Michael Street. In this case, I note that the structures at 25 Michael Street and Greer's yard do not have any historic designations. Their demolition is now to be considered in the context of the retention of almost all of the existing streetscape of Michael Street (more substantial interventions were proposed under PL31.224299). Moreover, the urban renewal scheme adopted since PL31.224299 will completely change the context of no. 25 Michael Street as it is now to be located at the corner of the upgraded Applemarket. The proposed pedestrian access at this location presents an active frontage to the eastern end of New Street, with two cafés flanking the entrance. It has been designed to provide a line of sight between the internal plaza and the Applemarket space. It is to be covered by a high level glazed canopy. The entrance appears to have been well thought out to interact with Michael Street and the Applemarket urban renewal works. I consider that the demolition of no. 25 Michael Street is justified in this context. The DoAHG recommends the omission of the entrance canopy on the grounds that it would have a detrimental effect on the character of the area and is unnecessary, however I

consider that the canopy would have limited visual impacts and would integrate well with the Applemarket works. It also adds to the amenity of the pedestrian access. The adjoining building at no. 24 Michael Street is listed on the NIAH but is not a protected structure. Its context would be changed by the demolition of no. 25. However, the proposed design is considered satisfactory subject to conditions.

The remaining frontage to New Street does not allow for any direct access, this matter is discussed above. The service yard is enclosed, limiting its visual impact. Details are provided in drawing no. 6023-051, submitted as further information. While I appreciate the concern of local residents regarding the loss of the New Street Garden, the garden was only ever a temporary measure and a new public space is to be provided within the development. The New Street frontage is considered to be generally satisfactory given the existing disjointed urban frontage currently present on the southern side of the street, however I recommend the insertion of an additional active frontage at ground floor level, as discussed above. The layout is also generally compatible with that of the urban renewal scheme.

I note third party concerns regarding the relocation of a taxi rank to New Street, however this is an objective of the urban renewal scheme and is not part of the proposed development. It would, however facilitate the development.

Potential visual impacts of the pedestrian bridge are discussed above.

7.7.4. Michael Street

Michael Street runs to the immediate east of Block 1 and generally comprises intact 18th / 19th century 3 storey buildings, all in commercial use. Archaeological testing in 2006/2007 (trench 1) found that no remains of archaeological significance survive at the northern end of the street frontage. The following buildings on Michael Street are listed on the NIAH and / or designated as protected structures:

Building	RPS No.	NIAH
No. 12 Michael St.	Not on RPS.	22501372 Regional importance. Dating to c. 1880.
No. 16 Michael St.	Not on RPS.	22501363 Regional importance. Dating to c. 1820.
No. 18 Michael St.	Not on RPS.	22501361 Regional importance. Dating to c. 1800.
No. 20 Michael St.	286	Not on NIAH
No. 21 Michael St.	287	Not on NIAH
No. 23 Michael St.	847	22501356. Regional importance. Dating to c. 1740.
No. 24 Michael St.	Not on RPS	22501355. Regional importance. Dating to c. 1750.

The development involves the demolition of structures to the rear of no. 12 Michael Street at the junction with Alexander Street, including an infill development at no. 1A Alexander Street. No. 12 Michael Street is a 3 storey end of terrace building, located on a corner site. It retains original fenestration with three-bay three-storey side elevation to Alexander Street. The interior does not contain any features of architectural or design interest. The front elevation is to be retained within the development for use as a retail unit. No. 13 Michael Street, to the immediate south, is not within the development site boundary. The proposed demolition of structures to the rear of no. 12 Michael Street does not have any impact on the Michael Street frontage. The reuse of this currently vacant commercial building is a desirable aspect of the scheme.

O'Keefe's Monumental Works at nos. 14 – 16 Michael Street comprising a yard, a 2 storey house and associated outbuildings is to be demolished. The existing plinth walls, piers and railings at the opening to Michael Street are also to be removed to create an entrance to an internal pedestrian street within the shopping centre. The buildings are not protected structures or listed on the NIAH. They are set well back from the street frontage and have little or no visual presence on Michael Street. Their demolition was previously permitted under PL31.224299 and is considered to be acceptable in principle. The proposed entrance has a high level canopy, which projects over Michael Street, this is the most visible aspect of the development from

this location. EIS photomontages nos. 9, 12 and 19 indicate proposed views to Michael Street. Views nos. 9 and 12 are assessed in the EIS as slight and neutral, while view no. 19 is assessed as a moderate and neutral impact. I concur with this assessment. Having regard to the urban design rationale submitted, I consider that this is a reasonably satisfactory insertion to the historic streetscape, although somewhat less successful than the Applemarket access. While there is no attempt to mirror the existing fenestration or rhythm, the overall proportions and height are harmonious. I do not consider that there would be significant adverse impact on the setting of no. 16 Michael Street, listed on the NIAH, subject to satisfactory implementation of the proposed mitigation measures.

Nos. 20, 21 and 23 Michael Street are protected structures. These are terraced 3 storey buildings with shop fronts at ground floor level. Potential impacts relate to the rear boundaries abutting the eastern side of the scheme. The impact of the scheme on protected structures adjoining the site at Michael Street is considered to be slight to negligible in the EIS. Given the relatively moderate scale of the scheme, there will be no significant impact on the setting of the structures when viewed from Michael Street. Cross sections are submitted, indicating that the rear of units nos. 4-8 and 10 will directly abut the rear boundaries of properties onto Michael Street, including nos. 20, 21 and 23 Michael Street. A satisfactory methodology for this aspect of the development should be agreed with the PA if permission is granted. The same issues apply to the other buildings on Michael Street that are listed on the NIAH, as outlined above.

The demolition of No. 25 Michael Street is discussed above with regard to New Street and Applemarket.

The EIS assessed the cultural heritage impact of the proposed demolitions on Michael Street as slight to moderate. The impact is considered acceptable in view of the enhanced vitality that will be created by the scheme.

7.7.7. Alexander Street

Alexander Street runs east to west, parallel to the northern site boundary. The southern side of the street is a row of two storey houses, Nos. 1-14 Alexander Street, built c. 1905 – 1915. All are protected structures, RPS nos. 1-14. The terrace was constructed c. 1910 and has a uniform appearance, which is somewhat

disrupted by the loss of the original doors and windows and by later external finishes. structures. No. 12 Alexander Street is also recorded on the NIAH, ref. 22501380, where it is listed as having Regional importance.

No. 1A Alexander Street is to be demolished to facilitate the development, as discussed above in relation to no. 12 Michael Street. The demolition of this structure was permitted under PL31.224299. It is an infill building and is not a protected structure. The demolition is considered to be acceptable in principle given the previous permission. Potential heritage impacts primarily relate to the settings of Nos. 1 – 14 Alexander Street. The proposed replacement for no. 1A Alexander Street and the rear of no. 12 Michael Street is a 2 storey structure containing 2 no. retail units. The parapet level matches the ridge height of the houses on Alexander Street and the overall scale is considered to be generally in keeping with them. There is a glazed link to the rear of No. 12 Michael Street, which provides direct pedestrian access to retail unit 11 within the scheme. The other unit fronting onto Alexander Street, unit 10, is accessed from inside the shopping centre only and has no direct access to Alexander Street. The impact of the scheme on protected structures adjoining the site at Alexander Street is assessed as slight to negligible in the EIS. The southern side of the 2 storey shopping centre would directly abut some of their rear boundaries and the eastern boundary of No. 1 Alexander Street. Cross sections are provided, indicating that the upper floor is set back in order to reduce overshadowing to the rear of the Alexander Street houses. This part of the development is much less bulky than that permitted to the rear of Alexander Street under PL31.224299. The existing rear boundary walls between the development site and the Alexander Street properties are to be retained. The northern elevation of the shopping centre facing the rear of the Alexander Street properties is shown on drawing no. 6023-029, this indicates a render finish with seam metal roofing. I would generally agree with the EIS assessment regarding impacts to Alexander Street, subject to the use of appropriate conservation methodology to prevent any construction impacts. In addition, I consider that the removal of the existing multi storey car park will enhance the setting of the protected structures on this street.

7.7.8. St. Stephen's Street and the De La Salle Hall

The De La Salle Hall located at the junction of Michael Street and Alexander Street dates to the early 20th century and was part of an extensive school complex at

Stephen's Street, which has been demolished. It is a protected structure, RPS no. 954. The building is currently vacant. It has been significantly altered internally and retains few features of architectural significance. It is outside the development site and adjoins the southern site boundary. The development involves the demolition of the surviving front elevation of the former De La Salle social club to the south of the De La Salle Hall. This is assessed in the EIS as having a neutral impact on the cultural heritage of the Hall. I accept this view given that little else remains of the original structure. The former social club would be replaced by a plant room on the roof of the shopping centre to the immediate south of the Hall. EIS photomontages nos. 13 and 14 indicate the proposed views of De La Salle Hall and the plant room. The visual impact is assessed as moderate / significant and positive. The plant room would change the context of the Hall and presents a relatively blank elevation to Stephen's Street. This building does little to enhance the setting of the protected structure and precludes any further development that could facilitate alternative future uses for the Hall. I agree with the assessment of the PA that the failure to incorporate the De La Salle Hall into the development represents a missed opportunity to rehabilitate this vacant building. However, the plant room is necessary in the wider context of the overall scheme and I accept that the amount of plant area at roof level has been kept to a minimum. It is located in this part of the site to be as possible from the Recorded Monuments at St. Stephen's Graveyard. The plant room is acceptable in this context.

The remaining frontage to Stephen's Street is also to be demolished and replaced by a stone wall surmounted by steel railings, the external boundary to the rooftop podium. The site layout indicates two recessed pedestrian entrances from Stephen's Street to the rooftop space. These would improve pedestrian permeability in the area and are to be welcomed. Car and cycle parking are also provided along the Stephen's Street frontage, in accordance with the Waterford City and County Council urban renewal scheme. St. Stephen's Street N.S. is located immediately opposite the Stephen's Street site boundary and third party submissions state concerns about potential impacts on its setting. I consider that the current proposal overall presents a much enhanced aspect to Stephen's Street than the present derelict situation and that the development would not have any adverse impact on the setting of the school. Indeed, the provision of car and cycle parking, improved pedestrian

permeability and access to the adjacent public open space would all add to the amenities of the school and the wider area.

7.7.9. Waterford City Wall

There is an extant section of the Waterford city wall running parallel to the western boundary of Block 2 at Brown's Lane, terminating in a mural tower at the junction with Castle Street, SMR WA009:005 and RPS no. 487. This length of the city wall was constructed to enclose the suburb of St. John's in the later 15th – mid 16th century. The DoAHG comments on file state concerns about the impacts of the site enabling works and basement car park on the city wall and tower. The EIS archaeological assessment notes that the site boundary of Block 2 includes the line of a small section of the late medieval city wall close to Castle Street. No element of this wall survives above or below the surface. The extensive archaeological investigations carried out at the site in 2006 / 2007 did not reveal any trace of the city wall. Testing carried out at Block 2 in 2006 revealed significant modern disturbance in the area with the exception of part of the John's Lane frontage, ref EIS appendix 13. A record of an earlier excavation at the southern side of John's Lane, submitted as EIA appendix 13.3, found the boundary wall of the later Quaker graveyard. The development would have no direct impact on this area. EIS analysis of archaeological impacts concludes that there will be no physical impact on the city wall or tower. I am satisfied that this would be the case, subject to the implementation of the proposed archaeological mitigation measures.

The DoAHG states concerns about the interaction with Brown's Lane, commenting that there would be an adverse impact on the setting and visual amenity of the city wall and towers. The development would change the context of the city wall, resulting in a multi storey carpark accessing Brown's Lane. The car park building presents a single storey elevation to the lane with a vehicular access and a stone wall surmounted by steel railings. Brown's Lane is to be widened to facilitate two way traffic as part of the urban renewal scheme. As discussed above, it is considered that the car park overall presents a basic and boxy design to all elevations. However, the change in site levels ensures that it has a relatively low profile to Brown's Lane. Cross sections indicate that the parapet level is c. 1m lower than the height of the city wall. The Brown's Lane elevation is softened somewhat by proposed landscaping along the car park frontage comprising a row of semi-mature street

trees on a footpath. A detailed landscaping scheme has been submitted for this area of the site. The elevation to Brown's Lane is acceptable with regard to the low profile of the car park at this location and the increased set back from the city wall due to the road widening and subject to the implementation of the proposed landscaping.

EIS photomontage no. 7 presents the proposed view from Castle Street, showing the development in the context of the city wall and tower. The visual impact at this location is assessed as significant and neutral. I note that the car park building is set back from Castle Street and the tower, with the retention of all houses on Castle Street and the walled area at the southern end of Brown's Lane. This walled area is in the ownership of the applicant. I also note that the Castle Street context of the city wall and tower is to change in any case due to the urban renewal scheme, which will create a cul-de-sac at Castle Street and introduce a new turning area in the vicinity of the tower. The proposed view to Castle Street is acceptable in this context.

7.7.10. Wyse Park / St. John's Priory / Quaker Burial Grounds

There are two Quaker burial grounds adjacent to Block 2. The earlier Quaker burial ground is located on the opposite side of John's Lane, this is Recorded Monument WA009-005123. According to the National Monuments Service, it was established c. 1689 and used for c. 80 years. It is now a surface car park. The development will have no impact on the area. The second, more recent, Quaker burial ground is located between the eastern boundary of Block 2 and the rear of houses on Castle Street. This was laid out in the later 18th century and is now a garden area. It is not a Recorded Monument. The car park building, including basement levels, is located to the immediate north of the burial ground. EIS section 13.5.6.1 notes that the subsurface components of the development will protect the undisturbed burial ground by the construction of the perimeter of Block 2, with no direct physical impact. I accept this conclusion.

There is another Recorded Monument located just within the eastern boundary of Block 2, ref. WA009-005063. This is described as a tannery, situated on the southern side of John's Lane, mentioned in a lease of 1764 relating to the adjacent Quaker burial ground. Cartographic evidence indicates that it was still in use in 1835. An 1872 O.S. map indicates a building known as 'Marine Stores' at this location and the 1922 O.S. map indicates a clay pipe factory. There are now modern buildings in

this part of the site, fronting on to John's Lane. Archaeological testing of the area in 2000 (Wren), detailed in EIS appendix 13.3, found the remains of timber tanning pits, along with dumps and waste clay pipes from the factory. A number of drains and redbrick walls uncovered were associated with either the pipe factory or the marine stores. This area is to be excavated for the construction of the car park basement levels. Archaeological excavation is to be carried out prior to construction, as at the rest of the site. This is acceptable in the light of the limited archaeological resource present, as evidenced by the testing already carried out.

St. John's Priory and Hospital, located further to the east of Block 2, is listed as protected structure no. 489 in the RPS and Recorded Monument 'Benedictine Priory' RMP WA009-005030 and 'Hospital of St. John the Evangelist' RMP WA009-005034. The priory developed from the hospital founded by Prince John in 1185 and was ultimately incorporated into the walled circuit of the town. The priory was suppressed in 1539 and the church was in ruins by the mid 18th century. The suburb grew around the priory in the medieval period including John's Street. The location of the priory and associated graveyard is now laid out as Wyse Park to the south east of Block 2.

Both Wyse Park and the Quaker burial ground will be directly overlooked by the car park. The Mitchell + Associates landscaping plan includes proposals for planting adjacent perimeter areas around the car park to soften visual impacts on the adjacent areas. I note that the landscaping scheme includes works to the area between the car park, Wyse Park and the Quaker burial ground, as a mitigation measure for the projected visual impact. The applicant has submitted proposals to lay the Quaker burial ground out as a public park with access from John's Lane, incorporating adjacent lands to the east and west and connecting with Wyse park. However, these proposals are indicative only and are not part of the current proposal. The applicant provided clarification of the treatment of this area as further information. It is envisaged that the additional planting can be carried out by the applicant on adjacent Council owned lands, in collaboration with the PA. The PA has imposed a condition requiring a special contribution of €60,000 for landscaping works to the adjacent area in Council ownership, in order to help ameliorate the visual impact. This is desirable and a similar condition should be imposed if the Board is minded to grant permission. EIS view 16 indicates the eastern elevation of

the car park, view from John's Lane and Wyse Park, including the pedestrian bridge. The EIS notes that the car park and pedestrian bridge will significantly change the view as they are much bulkier than the existing structures present. The EIS assesses the visual impact as moderate and neutral. I consider that this is an underestimation of visual impact, however, with regard to the above discussion, the car park design is considered acceptable overall.

7.7.11. Visual and Heritage Impacts Conclusion

To conclude, I am satisfied that the development will not result in undue adverse impacts on the relevant Recorded Monuments and protected structures, subject to the satisfactory implementation of the proposed mitigation measures. The likely visual impacts on adjacent streets are acceptable.

8. **Residential Amenities**

7.8.1. The only residential properties adjoining the site are nos. 1-14 Alexander Street to the north of Block 1. There are other residential properties in close proximity to the development at the southern side of New Street, the eastern side of Stephen's Street, at John's Lane and at Castle Street. There is also potential for impacts on residential amenities in the wider area relating to construction impacts, increased traffic as a result of the scheme, visual impacts, overlooking and overshadowing.

7.8.2. Shadow Analysis

Given that the shopping centre building is to the immediate south of Alexander Street, there is significant potential for overshadowing. A shadow analysis of the scheme by ARC consultants is submitted as an appendix to the EIS. This finds that there is likely to be some additional overshadowing to the houses on Alexander Street during the afternoons of the spring and autumn months. The analysis assesses this impact as imperceptible in the case of most houses on Alexander Street. However, there is potential for moderate additional overshadowing of the rear of no. 1 Alexander Street during the mornings and early afternoons of the spring, summer and autumn months. No. 2 Alexander Street is also projected to experience additional overshadowing during the mornings of the spring, summer and autumn months. The analysis is based on the BRE report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice", which recommends that where a window with a reasonable expectation of sunlight is capable of receiving 25% of annual

probable sunlight hours (including 5% of annual probable hours during the winter months) then that window will be adequately sunlight throughout the year. The 'worst case scenario' analysis finds losses of up to 33% of annual sunlight at sample rooms to the rear of nos. 1 and 2 Alexander Street, however they will continue to receive more than the total annual recommended amount of sunlight after the construction of the development (i.e. > 25% annual probable sunlight daylight hours). The ARC report includes additional analysis of potential overshadowing of the rear garden areas of Alexander Street. Shadows cast by the development will generally result in a marginal difference to the level of overshadowing of these rear gardens, which is not likely to be noticeable with regard to BRE guidance. Detailed analysis of the rear gardens of nos. 1 and 2 Alexander Street finds imperceptible impact on sunlight access to the rear of no. 2 Alexander Street and moderate impact to the rear of no. 1 Alexander Street. It is submitted that, having regard to the much larger scale of the development permitted at the site under PL31.224299, the shadow impact is consistent with emerging trends for development in the area and, as such, is at worst 'moderate' in extent. I accept this point given that development in urban areas is unavoidably likely to result in some additional overshadowing.

The shadow analysis also finds that the development would result in additional overshadowing to the east of the scheme at Michael Street and John's Lane during the afternoons and evenings throughout the year. There is potential for significant impact on sunlight access to the rear of buildings at the southern end of Michael Street, however these buildings are in commercial use. There is potential for additional overshadowing of the front façade of the existing apartment block at John's Lane during the afternoons and evenings of the spring, autumn and winter months and the late evenings of the autumn months. However, the ARC analysis concludes that the potential loss of sunlight is likely to be imperceptible to slight in extent with regard to the BRE guidance. Given the orientation, there is unlikely to be any significant additional overshadowing of residential properties at New Street, Castle Street or Michael Street.

7.8.3. Noise Impacts

Potential noise impacts on residential amenities primarily arise from noise associated with the plant areas. I note that the development has been designed such that most of the plant areas are located below ground level, with the rooftop plant kept to a

minimum. Potential noise from HGV deliveries is also an issue, however these are to be managed in accordance with the requirements of the Waterford City and County Council urban renewal scheme. The service delivery yard is also enclosed within the scheme, in order to reduce noise impacts. The vehicular access to the car park at Brown's Lane is located away from residential properties. The EIS assessment of potential noise impacts is based on existing noise levels in the area and takes into consideration noise associated with operating plant, deliveries to the service area, additional traffic and car parking. The predicted noise levels adjacent to the service area are within the recommended range of daytime noise levels. Night time deliveries are to be restricted to avoid related noise impacts. Plant installations are to be designed to not exceed the recommended limit of 45 dB $L_{Aeq, 1hr}$. Projected noise impacts from traffic on surrounding roads are calculated based on the figures provided in the TIA. The calculated change in noise levels is less than 2 dB along all the associated routes and hence is not expected to lead to any notable change to the baseline noise environment. Potential noise impacts are considered to be acceptable overall, subject to the satisfactory implementation of the proposed mitigation measures.

7.8.4. Construction Impacts

As detailed in the CMP, the construction phase is estimated to take approximately 2 years. Potential impacts on residential amenities during construction primarily relate to noise, dust, traffic and waste management. The EIS and CMP have detailed appropriate mitigation measures, including monitoring of noise and dust emissions. I consider that these impacts can be reasonably mitigated, with regard to the measures proposed in the CMP and EIS, including a construction traffic management plan and ongoing monitoring and liaison with the PA and the public during construction.

7.8.5. Residential Amenities Conclusion

To conclude, while the development would have some unavoidable adverse impacts on residential amenities, primarily by way of limited noise impacts and some additional overshadowing of the rear of houses on Alexander Street, these impacts are minimal and would be limited to an acceptable degree subject to the satisfactory implementation of the proposed mitigation measures.

9. Appropriate Assessment Stage I Screening

- 7.9.1. The Board is required to consider (i) whether the project is directly connected with or necessary to the management of a European Site or (ii) whether the project is likely to have a significant effect, either individually or in combination with other plans and projects, on European sites in view of their conservation objectives.
- 7.9.2. EIS appendix 6.2 comprises an AA screening report, which was prepared by a professional ecologist. It describes the development in detail, as set out above, followed by an overview of potential impacts. There are no European sites within or immediately adjacent to the development site. The AA screening considers potential effects on the following designated sites located within 15km of the development. The 15 km buffer is in accordance with the recommendations of the DoEHLG document “Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities”, and is often used to identify European sites that could potentially be affected by a development.

Name of Site Site Code	Distance from Development	Qualifying Interests and Conservation Objectives
Lower River Suir SAC 002137	< 1km	<p>The conservation objectives for this SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species:</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-</p>

		<p>Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]*</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]*</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaité Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>*denotes a priority habitat</p>
<p>River Barrow and River Nore SAC</p> <p>002162</p>	c. 8 km	<p>The conservation objectives for this SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species:</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe</p>

		<p>communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]*</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]*</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaiite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Margaritifera durrovensis (Nore Pearl Mussel) [1990]</p> <p>*denotes a priority habitat</p>
<p>Tramore Back Strand SPA 004027</p>	<p>c. 9.8 km</p>	<p>The conservation objectives for this SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola)</p>

		<p>[A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Wetland and Waterbirds [A999]</p>
Tramore Dunes and Back Strand SAC 000671	c. 9.8 km	<p>The conservation objectives for this SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]* *denotes a priority habitat</p>
Mid-Waterford Coast SPA 004193	c. 13.6 km	<p>The conservation objectives for this SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Cormorant (<i>Phalacrocorax carbo</i>)</p>

		[A017] Peregrine (<i>Falco peregrinus</i>) [A103] Herring Gull (<i>Larus argentatus</i>) [A184] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]
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7.9.60. The submitted AA screening concludes that there is no likelihood of direct effects on any European site, however there may be potential indirect effects such as sediment run-off, pollutants or invasive species entering watercourses linking the development with designated sites. It also concludes that, of the sites listed above, only the Lower River Suir SAC and the River Barrow & River Nore SAC have any link to the development and therefore any potential for significant effects with regard to the source-pathway-receptor model. These conclusions are accepted with regard to the nature of the proposed development, to the sites' conservation objectives and to the intervening distances involved.

7.9.61. The development is indirectly linked to the Lower River Suir SAC and River Barrow and River Nore SAC via the surface water and waste water systems. Surface water from the construction and operation phases of the development will discharge directly into the existing system, which discharges to the River Suir. Waste water discharges to the existing foul system which is treated at Belview Waste Water Treatment Plant prior to discharge to the River Suir. No significant impacts on the SACs are considered likely based on the scale of the development and the design measures of the project.

7.9.62. I note the urban location of the development, the brownfield nature of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude that on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10. Site Services and Financial Contributions

- 7.10.1. The development is to connect to the existing public foul sewer and surface water drainage system. The connection point between the development and the public system has been agreed with the PA. All foul sewage and surface water will drain to the New Street side of the site. A 300mm foul sewer is to be laid to connect to the public combined system in New Street. Surface water will be discharged via two outlet pipes located at New Street, which will be fitted with oil interceptors. Surface water outflow will be attenuated in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GSDSDS). A total of 3 no. storage tanks are to be provided to attenuate runoff, i.e. one at the multi storey car park, one at the services yard and one at the pedestrian plaza in the shopping centre. Calculations for the surface water network are provided, the storage requirement is to meet a 1/100 year return period. Details of proposed Sustainable Urban Drainage (SUDS) measures are provided. A 300mm diameter surface water sewer is proposed along the same alignment as the combined sewer to connect to the existing surface water network. The development is also to connect to the public water supply. Two no. connection points have been agreed with the PA, i.e. a main connection point at the junction of New Street and Johns Lane and an additional connection at the car park. Details of projected water requirements are provided.
- 7.10.2. I note that the relevant technical reports on file generally state no objections, subject to requirements. The above arrangements are considered satisfactory on this basis. The PA has requested the construction of separate storm and foul sewers to serve the development with a defined tie-in location downstream along John's Street. The Water Services Department of Waterford City & County Council requires a special development contribution of €40,000 under section 48(2)(c) of the Act, to facilitate the construction of a 300mm storm water drain at John Street to connect the development. The PA wishes to construct this infrastructure in conjunction with the urban renewal scheme works at John Street and Applemarket. I consider that this special contribution is reasonable and complies with the section 48(2)(c) of the Act, i.e. it will benefit the development and applies to specific exceptional costs not covered by the current Waterford City and County Council Development Contribution Scheme 2015-2021. I also note that the applicant has not objected to this contribution. In addition, condition no. 30 requires a special development contribution

of €60,000 to facilitate landscaping works within Wyse Park. This is also considered reasonable. I recommend that the Board also impose conditions requiring these special contributions if permission is to be granted.

11. Planning Conclusion

In overall terms, it is considered that the development is acceptable in principle and that the impacts arising can be appropriately mitigated by conditions attaching to a grant of permission.

8.0 Environmental Impact Assessment

1. Introduction

- 8.1.1. In accordance with the requirements of Article 3 of the European Directive, Directive 85/337/EEC, as amended by Council Directive 97/11/EC of 3rd March 1997, by Directive 2003/35/EC of the European Parliament and of the Council of 26th May 2003, and Section 171A of the Planning & Development Act 2000-2010, the submitted EIS is required to be assessed by An Bord Pleanála, as the competent authority. It is a requirement that the direct and indirect effects of the proposed project are identified, described and assessed in an appropriate manner, in accordance with Articles 4 to 11 of the EIA Directive. The following is an assessment of the main impacts identified, and which I consider to be most relevant to the subject site and development. Part 2 (10) (b) (iii) of Schedule 5 of the Planning and Development Regulations 2001 (as amended) specifies the following threshold for EIA:

Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

The proposed development, with a stated gross retail floor area of 10,030 sq.m., is in excess of this threshold.

- 8.1.2. The submitted EIS has three volumes as follows:

- Volume I: Non-technical Summary
- Volume II: Environmental Impact Statement
- Volume III: Appendices.

The introductory chapters of the EIS provide background information regarding the EIS project team; the need for the proposed development; the national, regional and local planning and retail policy context; the planning history of the area and scoping and consultation carried out by the applicant. There is an examination of alternatives, which is primarily focused on site specific alternatives including constraints such as the surrounding urban fabric, street patterns, heritage issues, pedestrian connections, vehicular access and potential impacts on residential amenities. This is considered reasonable given (i) the designation of the site as a core shopping area commercial opportunity site under the current City Development Plan, and (ii) the precedent set by the permission granted at the site under PL31.224299. The potential environmental impacts discussed in the EIS are considered under the following headings, which are in the same order as the EIS.

2. Population and Human Health

- 8.2.1. The development is expected to create 250 no. construction jobs. It has an anticipated footfall of 40,000 per week or 2.1 million p.a. and would support an estimated 480 no. jobs in retail and supporting services, with a further estimated 600 no. indirect jobs. Waterford city has a high level of unemployment compared to the regional and state averages. There are no direct tourism impacts associated with the development and it would not interfere with any sensitive tourism resources. The development is not expected to generate significant impacts on human health or amenity during the construction or operational stages. On balance, the development is considered to be acceptable in terms of the potential impacts on population and human health.

3. Biodiversity (Flora & Fauna)

- 8.3.1. Site surveys undertaken comprise a habitat survey of the site on 9th December 2015 and mammal and bird surveys in December 2015. The site is not located within or adjacent to any European Sites, i.e. SACs or SPAs. There are 3 no. pNHAs within 5 km, i.e. Grannyferry (0833), Kilbarry Bog (1700) and King's Channel (1702). No pathways for potential impacts are considered to exist with regard to the source-pathway-receptor model. The habitats identified at the site are considered to be of low ecological value, except for the old stone walls, which are considered to be of local importance (higher value). There is potential for the site to be used by roosting,

foraging or commuting bats. Visual checks of the buildings did not identify any evidence of hibernating or roosting bats. No protected flora were recorded, however the alien invasive species Japanese Knotweed is present. Potential ecological impacts primarily relate to the loss of stone wall habitat, potential loss of bat roosts and indirect bat impacts and the potential spread of Japanese Knotweed. Proposed mitigation measures are set out including a CMP, a Japanese Knotweed Management Plan and a summer bat survey. Residual impacts are stated to be short term and of a low magnitude and are not considered significant. I consider that this is generally a satisfactory assessment of the impacts on ecology and that significant adverse ecological impacts are unlikely subject to the satisfactory implementation of the proposed mitigation measures.

4. Soils and Geology

- 8.4.1. Site investigation programmes were undertaken at the site in 1998/1999 and 2005. These identified indicate clay soils and a shale bedrock with the water table apparent at 3.0 - 6.2m bgl. There are no County Geological Sites or geological NHAs close to the site. No hydrocarbon odour or contamination was detected during the site investigations or during site visits in 2015 and 2016. The soil / bedrock environment has been impacted by previous works at the site. The development involves excavations to a depth of a maximum of 10.5 m in the western part of the site. Approx. 40,000 cu.m. of soil and rock would be excavated during site works, all within the development boundary. Made ground at the site will require appropriate disposal.
- 8.4.2. While the GSI classification of the area is as a Regionally Important Aquifer, the productivity of the aquifer is significantly limited. The site specific groundwater vulnerability is assessed as varying between Extreme to Moderate, due to the thickness of overburden varying from 1.5m to 9.9m. However, due to extensive existing hardstanding and the urbanisation of the site environs, very little rainwater infiltrates to the ground. There is a record of a spring source / fountain within the site at St. Stephen's Graveyard. An assessment of the spring was made during site surveys but no groundwater seepage was noted, it is probable that groundwater is now intercepted in storm drains and culverts and channelled directly to John's River. Groundwater volumes in the mineral subsoil and bedrock are limited, therefore potential groundwater impacts are assessed as low.

Proposed mitigation measures comprise construction and waste management, water control measures and monitoring of all materials generated. It is proposed to pile a retaining wall around the site perimeter. A sequential clearance of the site from west to east is envisaged. The pile wall will ensure that the ground conditions are maintained in the area during construction. The development would result in impermeable surfaces at the majority of the site, however most of the site is impermeable at present. Operational impacts are identified as negligible on this basis. I am satisfied that the applicant has carried out a robust assessment of potential impacts on soils, geology and ground conditions at the development site and that significant adverse impacts are unlikely to arise.

5. Water

- 8.5.1. The site is c. 350m south of the River Suir, however water at the site drains to John's River, a small tributary 200m from the site. The site is served by the sewer and culvert network of Waterford city. Waterford City and County Council is currently undertaking the implementation of the Waterford Main Drainage Scheme. OPW flood records indicate no recorded flood events within or adjacent to the development. Waterford City Flood Alleviation Scheme has been implemented to contain flood waters between 2009 and 2014. The development would not result in a considerable increase in storm water run off during construction or operation. Details of storm water management and measures to prevent water contamination during construction are provided. The development would have no impact on the regional or local hydrological regime. It would result in increased demand on Waterford City and County's treated drinking water supply. This assessment is satisfactory and the development is considered to be acceptable in terms of the potential impact on surface and ground waters, subject to the strict implementation of the submitted mitigation measures.

6. Landscape & Visual Impact

- 8.6.1. The Landscape and Visual Impact Assessment (LVIA) considers landscape character impacts and visual impacts with photomontages produced for 19 no. vantage points around Waterford city, including wider perspectives (nos. 1 - 4) such as on the opposite side of the River Suir and views from all directions at streets in the vicinity (nos. 5 - 19). The views selected are considered to be the most important

and representative and were chosen in consultation with Waterford City Council. The 'proposed' photomontages include the permitted Part 8 development to be carried out by Waterford City and County Council. Having extensively viewed the development site from many locations in the area, I am satisfied that that the photomontages are a reasonable representation of views 'on the ground' and that the selected views allow for an adequate assessment of overall visual impacts.

8.6.2. The impacts on the longer distance views (nos. 1 – 4) are identified as imperceptible or slight and neutral. Of the closer viewpoints, the development appears in views to the south and west (nos. 6, 7, 9), where it would be visible on the context of the existing urban environment. View 7 is the view from Castle Street adjacent to Waterford city wall and tower, which is rated as being significant and neutral. The removal of the existing multi storey car park would result in an improved outlook from views nos. 10 and 11 to the north east. The development would appear in the streetscape in views nos. 12 (Broad Street / Patrick Street) and 13 (Stephen's Street) and 14 (Stephen's Street / Alexander Street), where the impact is rated as being slight / moderate and positive. The development would have a significant impact on view no. 15 from New Street to the west as the glazed pedestrian bridge would be prominently visible. This impact is rated as significant and positive. It would also change the existing aspect from views nos. 16, 17 and 18 to the west, where it would be larger in scale than the existing structures, these views are rated as moderate / significant and neutral / positive. The entrance to the development would be visible from Michael Street to the north (view no. 19), which is identified as moderate and neutral. The only development considered to create potential for cumulative impacts is the permitted Waterford City and County Council urban renewal scheme. The development has been designed to complement the permitted scheme and cumulative impacts are likely to be positive.

8.6.3. Mitigation measures comprise the design and layout of the scheme to integrate with the existing architectural and heritage context, with careful consideration of the taller elements to reduce apparent mass, in addition to the use of appropriate architectural detailing and finishes, the avoidance of visual clutter and the provision of the publicly accessible roof garden 'podium' to soften visual impact. The EIS concludes that the development would result in an overall improvement on the disused and derelict condition of the existing site as it would create a logical extension to the city centre

shopping area and a high quality public realm. I am satisfied that the EIS assessment of landscape and visual impacts is adequate

7. **Air Quality**

- 8.7.1. Potential air quality impacts primarily relate to increased traffic flows or congestion in the local area associated with the development. Potential air quality impacts during construction relate to dust emissions and asbestos impacts. A dust minimisation plan and dust monitoring are proposed as mitigation measures to be carried out during construction and demolition activity, along with asbestos control measures.
- 8.7.2. Air quality monitoring was carried out close to the site between 8th June and 1st July 2005. The results are used with EPA air quality monitoring data for Zone C (towns with a population > 15,000) for NO₂, PM₁₀ and Benzene to establish background levels / concentrations for an opening year of 2018 and a design year of 2033. Projected impacts are calculated using details traffic flow information provided by the *NRA Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes* and the UK Department for the Environment, Food and Rural Affairs LAQM.TG(09), to compare a 'do nothing scenario' with the proposed development. The modelling results indicate imperceptible increases in pollutant levels at receptors relative to the 'do nothing' scenario. The predicted concentrations for CO, Benzene, PM₁₀, PM_{2.5} and NO₂ which are below limit values for the construction and design years. Predicted impacts are assessed as negligible. No site specific mitigation measures are proposed.
- 8.7.3. The construction and operational phases of the development are considered to be acceptable in terms of potential impacts on air quality.

8. **Climate**

- 8.8.1. Information is provided on the climate of the Waterford region with specific meteorological data obtained from Met Eireann. Potential climate impacts relate to the generation of greenhouse gas emissions during construction and reduced evapotranspiration / increased evaporation from impermeable surfaces at the operational phase. No significant climate impacts are predicted. This analysis is satisfactory.

9. **Noise and Vibration**

- 8.9.1. A noise survey was conducted at 5 no. monitoring locations in the vicinity (N1 – N5) during daytime and night time hours on 28th January 2016. Existing ambient noise levels are generally in the range of 31 to 49 dBL_{Aeq} for night time and 43 to 61 dBL_{Aeq} for daytime and are generally associated with road traffic and local activities.
- 8.9.2. Construction noise and vibration would be limited to appropriate criteria with regard to the British Standard BS 5228 - 1: 2009 + A1 2014: *Code of practice for noise and vibration control on construction and open sites – Noise*, British Standard BS 7385: 1993: *Evaluation and measurement for vibration in buildings Part 2: Guide to damage levels from ground borne vibration* and British Standard BS 5228 - 2: 2009 + A1 2014: *Code of practice for noise and vibration control on construction and open sites – Vibration*. Indicative construction noise levels are provided. The worst case scenario is a noise level of 73 dBL_{Aeq} at the closest distance to the works when all items of plant are operating. There is potential for this noise level to occur at sensitive locations along Alexander Street, Stephen's Street and New Street. Calculated construction noise levels are below the recommended construction noise limits at distances beyond 20m from the works. Best practice noise and vibration control measures are to be employed during the construction phase, including screening, monitoring and piling methods which minimise vibration to avoid potential impacts to nearby heritage structures.
- 8.9.3. Potential noise sources during the operational stage are associated with external plant items or noise breakout from plant rooms, also deliveries to the service area, car parking and additional traffic. Predicted noise levels associated with the car park and service area are not expected to exceed the day and night time criteria of 55 and 45 dB L_{Aeq, T} respectively at nearby noise sensitive locations. The car park is located away from noise sensitive locations and the service area is partially enclosed. Night time deliveries should be restricted. Noise emissions from rooftop plant areas should be designed to not exceed 45 dB L_{Aeq} at a distance of 5m , taking into account existing background noise levels and the distance to the nearest properties along Alexander Street. Mitigation measures are outlined including screening and the use of attenuators or silencers. Projected noise impacts from traffic have been calculated using figures from the TIA and are presented in EIS table 12.9. The calculated change in noise levels is less than 2 dB along all assessed routes and hence is not expected to lead to any notable change in the baseline noise environment.

8.9.4. The submitted noise analysis is satisfactory and I consider that significant noise impacts will not arise.

10. Cultural and Archaeological Heritage

8.10.1. Detailed archaeological studies of the area were undertaken between 2005 and 2007 as part of the development permitted at the site under PL31.224299, including a programme of archaeological testing in 2006 and 2007. Additional site inspections were carried out in autumn / winter 2015 - 2016. In addition, 3 no. test excavations were carried out by other archaeologists in 1999 (within Block 1), 2000 (within Block 2) and 2003 (within Block 1).

8.10.2. The entire site lies within the medieval city of Waterford (Recorded Monument WA 009:005). The site occupies c. 8% of the area of the city that was ultimately enclosed by a wall in the 16th century. EIS section 13.3 lists and details existing sites and monuments within the site. The most significant potential impacts relate to the creation of basement levels for the multi storey car park within Block 2, also the works adjacent to the 17th Century House and adjoining St. Stephen's Graveyard and the visual and physical impacts of the scheme within the site and in the vicinity. As the entire site is within a Recorded Monument, national policy (DoAHG 1999) advocates *in situ* preservation. Full archaeological excavation in order to allow preservation by record is a prerequisite where permission for a basement is granted within a Recorded Monument. Archaeological testing undertaken at the site (detailed in Appendix 13) showed only fragmentary and isolated archaeological strata survived on the site. The *in situ* preservation of fragmentary and isolated archaeological strata is not justifiable in the context of numerous instances since 1999 where planning permissions have been granted throughout the historic cities of Ireland (all Recorded Monuments) allowing basements. Excavation should be undertaken during the construction stage following demolition and prior to the excavation of subsoil.

8.10.3. The following points are noted regarding specific aspects of the development:

- The proposed piling will isolate the 17th century house from the excavation of the ground floor level of the retail unit. This is a potential significant benefit to the building, facilitating its conservation and maintenance. This area requires protection during excavation and construction, subject to an agreed method statement.

- The leper hospital site, with reference to historic maps, possibly occurs within the curtilage of the St. Stephen's Graveyard and will not be subject to impacts. Otherwise, it may be at the same location as the 17th century house.
- St. Stephen's Church and Graveyard would not be subject to direct impact by the development. The surrounding wall fronting New Street should be retained below ground level as it retains the graveyard soil, burials, etc. Other mitigation measures are recommended.
- Visual impacts on the context of the Quaker burial grounds and St. John's Priory. This area should be protected during construction.
- Visual impacts on the city wall, Brown's Lane and Castle Street. There would be no physical impacts on the city wall or towers. The development would overlook the city wall at Brown's Lane. Works are also to be carried out at this location as part of the Waterford City and Council urban renewal scheme.
- Loss or compromise to existing views should be offset by the development of strategically located publicly accessible viewing points within the development. The pedestrian bridge has the potential to greatly increase the viewing prospect of St. Stephen's Graveyard and adjoining 17th century house.
- There are 2 no. Quaker burial grounds in the vicinity, i.e. John's Lane and Wyse Park. The Wyse Park ground adjoins the development on two sides. It would be protected by the construction of the perimeter of the development. There is no direct physical impact on the burial grounds but they would be overlooked by the development.
- John's Priory and Hospital and the 'Hospital of St. John the Evangelist'. There would be no physical impact on this site and the visual impact would be minimal.

8.10.4. Recommended mitigation measures mainly comprise the archaeological excavation of the site to subsurface levels in areas where strata / features survive, to be undertaken under licence and subject to an agreed methodology, along with archaeological monitoring during construction. There are specific recommendations for the conservation of the 17th century house and St. Stephen's Graveyard and for the protection of the Quaker burial grounds.

8.10.5. The development would inevitably have an impact on the archaeological resource of the area. Excavation of the site would remove any remaining archaeological layers and replace them with archaeological record. In this respect the development will produce a beneficial impact to the heritage resource of the area. The enhancement of the existing remains of St. Stephen's Graveyard and adjacent 17th century house will provide a beneficial impact to the heritage resource of the city.

8.10.6. The archaeological assessment provided in EIS chapter 13 is supplemented by records of previous excavations carried out at the site and in the vicinity and a detailed archaeological methodology for the St. Stephen's Graveyard area, included as appendices. The applicant also submitted additional archaeological comment in response to the PA request for further information. It is considered that these documents combine to provide a comprehensive assessment of potential archaeological impacts.

11. Cultural Heritage – Architectural Heritage

8.11.1. EIS chapter 14 details the existing protected structures and buildings listed on the NIAH at the site and in the immediate vicinity. Figure 14.2 indicates buildings to be demolished at the site. EIS section 14.5 notes the following with regard to potential impacts:

- There will be a slight loss to the historic fabric and the streetscape character of Michael Street and Alexander Street with the demolition or partial demolition of properties on those streets. The cumulative impact of these interventions is slight to moderate.
- The demolition of the New Street car park, educational structures within the WIT site, adjacent garages and the remaining street elevation of the former De La Salle Social Club on Stephen's Street will not give rise to architectural heritage impacts. The De La Salle Hall protected structure will not be impacted by the development.
- The demolition of the Manager's House and 19th century warehouse at Kiely's Yard will result in a slight negative impact.
- The programme of landscaping of St. Stephen's Graveyard and 17th century house and the adjoining podium open space is a significant positive impact.

- The impact on protected structures adjoining the development site is considered to be slight to negligible.

8.11.2. Architectural conservation mitigation measures are to be agreed with the DoAHG. Other mitigation measures include the protection of adjacent protected structures during construction; photographic survey for the Irish Architectural Archive; protection of a plaque commemorating Edmund Ignatius Rice; salvage of a limestone floor at the warehouse in Kiely's Yard; monitoring during construction; ongoing monitoring of the graveyard and 17th century house and regular maintenance of landscaping. No additional residual impacts are identified.

8.11.3. The architectural heritage impact assessment carried out in the EIS is supplemented by additional assessment on file that was submitted to the PA as further information. It is considered that there is adequate assessment of potential impacts on architectural heritage overall.

12. Traffic

8.12.1. The TIA is based on traffic counts carried out by DBFL on behalf of Waterford City and County Council in September 2014 and May 2015, to facilitate the permitted urban renewal scheme. The counts were undertaken during weekday PM peak hours. There are no major committed developments in the area that would impact on the development.

8.12.2. The TIA assesses the following junctions in the area, as per EIS Fig. 15.2:

- Junction 1 Manor Hill / College Street / Hennessy's Road
- Junction 2 Mayor's Walk / Bachelor's Walk
- Junction 3 Stephen's Street / Bachelor's Walk
- Junction 4 Newgate Street / Stephen's Street
- Junction 5 proposed site access priority junction on Brown's Lane
- Junction 6 New Street / Brown's Lane
- Junction 7 proposed site exit priority junction on John's Lane
- Junction 8 New Street / John's Lane
- Junction 9 Manor Street / John's Street

- Junction 10 Manor Street / Castle Street

It is assumed that the permitted urban renewal scheme will be carried out in advance of completion of the development.

8.12.3. Projected traffic volumes to be generated during the PM peak were established using a Trip Rate Information Computer System (TRICS), based on developments of a similar nature. The trip distribution is assumed to mirror the projected turning proportions at each of the analysed junctions as per the analysis carried out for Waterford City and County Council. Background traffic growth factors were based on NRA guidance for Region 5 (Central West, which incorporates Waterford City). The TIA was carried out for the base year 2015, an opening year of 2018 and a design year 2033, all for the PM peak hour of 16.30 – 17.30. The junctions were analysed using modelling software PICADY 9 and OSCDAY PRO. These created figures for Ratio to Flow Capacity (RFC), Degree of Saturation (DoS), maximum queue length on any approach to a junction and average delay for each vehicle passing through the junction during the modelled period. The analysis found that all the junctions modelled had ample spare capacity for the opening year 2018 and the design year 2033.

8.12.4. Link capacity analysis was carried out for Brown's Lane and New Street with reference to NRA DMRB TD 79/99. This found that Brown's Lane would operate with 56.8% spare capacity and New Street with 77.6% spare capacity in 2033.

8.12.5. Junctions selected are satisfactory. I note that the TIA does not consider potential traffic impacts during the AM peak. However, given that most retail outlets generally do not open until after the AM peak, significant traffic impacts are unlikely at this time. The traffic assessment does not consider construction traffic or provide detailed analysis of HGV movements. These are considered to be deficiencies and are discussed further above.

13. **Interaction of the Foregoing**

8.13.1. The EIS identifies the following main interactions between the above environmental factors:

- Potential impacts on human beings / socio economic as a result of traffic impacts; visual impacts; noise, vibration and climate control. No significant potential adverse impacts are identified.
- Ecology interactions as a result of change and intensification of land use. The site is built up with little vegetation and habitats that are mostly highly modified, intensively maintained and of low ecological value.
- Soil / geology and hydrogeology. No significant impacts are identified.
- Water; air quality; noise and vibration. No significant impacts are identified.
- Landscape, archaeology and architecture. No significant impacts are identified.
- Traffic, noise and air quality. The increase in projected traffic has been incorporated into the noise and air quality assessments.

14. **EIS Conclusion**

8.14.1. I have considered the EIS and all submissions received which are relevant to impacts on the environment, inspected the site, and have assessed the direct, indirect and cumulative effects of the development on the environment. The EIS has been considered with regard to the guidance provided in the DoECLG document “Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment” (2013). In summary, it is my opinion that the EIS submitted clearly identifies the likely significant effects on the environment arising from the proposed shopping centre and car park development and sets out appropriate mitigation measures for the potential environmental impacts identified. It is considered that there is adequate information available on file to carry out a comprehensive EIA in respect of the development. Subject to the implementation of the proposed mitigation measures set out in the EIS and other conditions attached to the recommendation of this report, I agree with the conclusions that the development would not have significant adverse impacts on the environment.

9.0 **Recommendation**

1. Having regard to the foregoing I recommend that the decision of the planning authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to:

- a) The provisions of the Waterford City Development Plan 2013 – 2019, including the zoning objectives for the site;
- b) The designation of the site as an opportunity site within the core shopping area of Waterford under the Development Plan and the Waterford City Retail Strategy 2011;
- c) The provisions of the Waterford City Urban Renewal Strategy 2015;
- d) The identified need for additional retail floor space in Waterford City Centre;
- e) The guidance for the protection of architectural and archaeological heritage set out in the *Architectural Heritage Protection Guidelines for Planning Authorities* (2011) and the *Framework and Principles for Protection of Archaeological Heritage* (1999), Department of Environment, Heritage and Local Government; and,
- f) The planned mitigation measures,

It is considered that, subject to compliance with the conditions set out below and to the implementation of the mitigation measures set out in the Environmental Impact Assessment, the proposed development would constitute an appropriate use for the site, would be acceptable in terms of traffic safety and convenience and acceptable in relation to residential amenity in the environs, would not have significant adverse impacts on the architectural or archaeological heritage or visual amenities of the area and would not be prejudicial to the proper planning and sustainable development of the area and of the city.

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 6th day of July 2016 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 proposed development shall be amended as follows:
 - (a) The developer shall submit revised proposals for the improvement of the pedestrian bridge 'landing area' at the multi-storey car park.
 - (b) The developer shall amend the New Street elevation such that there is an additional pedestrian entrance to MSU 05, in order to provide a more active frontage to New Street.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The developer shall facilitate the planning authority in the archaeological resolution of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) Employ an archaeologist to carry out a detailed archaeological

excavation of the site, under licence from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. The Planning Authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of site preparation works.

(c) No construction or site preparation work may be carried out until all archaeological requirements of the planning authority are complied with. All demolition and other site work shall be monitored by a licensed archaeologist.

(d) An archaeological assessment of the site shall be carried out by a qualified archaeologist and a written report on the results of the assessment shall be forwarded to the planning authority. The procedure to be adopted in the assessment shall be agreed in writing in advance with the planning authority.

(e) The report shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches / bore holes clearly indicated. Trial trenches shall be excavated to the top of the archaeological deposits only. No subsurface work shall be undertaken in the absence of the archaeologist without their express consent.

(f) Prior to the commencement of works on the site, the southern extent of St. Stephens Graveyard shall be established in order to ensure the preservation in-situ of any burials which may survive in this area, and the exclusion of the same from the development.

(g) Excavation of trenches for the secant pile wall shall be subject to archaeological monitoring.

(h) Where archaeological material is shown to be present, a detailed Impact Statement in relation to the design and layout of the secant pile wall and the contractor's methodology, shall be prepared by a qualified archaeologist.

(i) On receipt of the assessment report, the planning authority shall determine the further archaeological resolution of the site, including if necessary, archaeological excavation and the preservation in situ of archaeological remains. Before any construction work commences, the developer shall comply in full with any further archaeological requirements of the planning authority. Where preservation in situ is required, which may require the omission of all or part of the basement, a revised layout shall be agreed with the planning authority prior to the commencement of development on that site.

(j) Satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be agreed with the planning authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended period as may be agreed with the planning authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

4. A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. An archaeological impact statement and conservation plan for the 17th century house and for St. Stephen's Graveyard, including the boundary walls thereof, shall be submitted to and agreed with the planning authority. The development shall be carried out in accordance with the plan and works in this area shall be restricted to appropriate conservation, consolidation and presentation works.

Reason: In order to facilitate the conservation, preservation and / or recording of the archaeological heritage of the site.

6. Development in the vicinity of St. Stephens Graveyard shall be undertaken in accordance with the proposals submitted to the planning authority the 6th day of July 2016, save as may otherwise be agreed.

Reason: In order to facilitate the conservation, preservation and/or recording of the archaeological and architectural heritage of the site.

7. A full architectural and archaeological survey of buildings in Kiely's Yard proposed for demolition, including the Managers House and the stone warehouse, shall be carried out. Archive standard drawings and a photographic survey shall be prepared, in accordance with the requirements of the planning authority. Internal fixtures and fittings shall be assessed and, where appropriate and required by the planning authority, carefully removed in order to allow for appropriate relocation within the development.

Reason: In order to facilitate the conservation, preservation and/or recording of the archaeological and architectural heritage of the site.

8. Prior to the commencement of development on the site, a Conservation Impact Assessment and Conservation Plan for No. 12 Michael Street

shall be submitted to, and agreed in writing with, the Planning Authority. The assessment and plan shall address the following matters.

(a) The appointment of a conservation expert to manage, monitor and implement works on the site and to ensure adequate protection of the historic fabric during those works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.

(b) Details of all finishes and of all existing original features to be retained and reused, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

(c) Details of the relationship between existing and proposed structures on the site, including details of vertical circulation.

(d) All repair works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011). The repair works shall retain the maximum amount of surviving historic fabric in-situ, including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

(e) Prior to the commencement of development the developer shall submit to, and agree in writing with, the planning authority, site survey drawings and measured architectural drawings of all structures on the site.

Reason: To ensure that the integrity of the historic structure is maintained and protected from unnecessary damage or loss of fabric and to retain a record of the building

9. A full architectural survey of all other buildings proposed for demolition shall be carried out, and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings

and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

10. Proposals for the provision of interpretative or commemorative signage for St. Stephen's Graveyard and the 17th century house shall be submitted to the planning authority for agreement in writing prior to the commencement of development, as shall details for the proposed relocation of the post box on New Street and the Edmund Ignatius Rice plaque.

Reason: In the interests of conserving the heritage of the area and the proper planning and sustainable development of the area.

11. A schedule of all materials to be used in the external treatment of the development to include details of the pedestrian bridge, shopfront materials, roofing materials, windows, doors and gates shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. Sample panels of these materials shall be erected on site, where deemed necessary to facilitate such agreement. The use of "corporate colours" for the external finishes of the perimeter walls is not permitted.

Reason: To ensure an appropriate standard of development/conservation.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. This order shall not be construed as granting permission for any additional floor areas at "mezzanine level" within the buildings hereby permitted. No mezzanine floor development shall be carried out without

a further grant of planning permission.

Reason: In the interest of clarity and in order to permit the planning authority to assess the impact of any such increase in floorspace in the light of the retail policies of the current development plan for the area.

14. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, with the exception of proposed VMS access signage, shall be erected within the site and adjoining lands under the control of the applicant save with a prior grant of planning permission.

Reason: To protect the visual amenities of the area.

15. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

Reason: In the interest of visual and residential amenities.

16. Proposed paving to be used within the adjoining Applemarket as part of the Waterford City and County Council public realm works shall be continued across New Street and into the proposed internal street. The extent and finish of this paving shall be agreed in writing with the planning authority.

Reason: In the interest of public and visual amenity.

17. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

18. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings
 - (ii) Details of screen planting
 - (iii) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.
 - (iv) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
 - (v) Details of proposed street furniture, including bollards, lighting fixtures and seating.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation, including details of phasing.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. The developer shall fund, at his own expense, the proposed landscape plan and improvements, including paving, to the public domain. 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, 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, in order to enhance the immediate public domain and in the interests of the proper planning and sustainable development of the area.

19. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

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

Reason: In the interest of public health and to ensure a proper standard of development.

21. The car parking facilities, hereby permitted, shall be reserved solely to serve the proposed development. The car park layout shall be as per that submitted to the planning authority on the 6th day of July 2016, except as may otherwise be agreed in writing with the planning authority. The layout and design of designated spaces for persons with impaired mobility shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" published by the National Disability Authority. The developer shall install a variable message parking information system within the car park indicating spaces available on each floor of the car park. The developer shall submit internal lighting plans for the car park, indicating the lux level achieved on each floor level, to the planning authority for agreement in writing prior to the commencement of development.

Reason: To ensure that adequate parking spaces are permanently available to serve the development and also to prevent inappropriate commuter parking.

22. Prior to the commencement of development, the design of all modifications to the public road network and traffic management and parking arrangements shall be submitted to and agreed in writing with the Planning Authority. Matters to be agreed shall include full details of the Variable Messaging Signage which shall be designed so as to complement the system which is proposed by the Planning Authority. All costs associated with the modifications to the road network, traffic management systems and public car parking shall be borne by the

developer at no cost to the Planning Authority.

Reason: In order to provide for the necessary modifications to the road network and traffic management systems to facilitate the proposed development in the interest of minimizing traffic impacts.

23. Bicycle parking spaces shall be provided within the site to the satisfaction of the planning authority. The layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

24. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the Planning Authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development, and to reduce and regulate the extent of staff parking. One mobility strategy shall be prepared and managed by the management company for all units within the retail centre. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of encouraging the use of sustainable modes of transport.

25. The developer shall provide a servicing traffic management plan for the agreement of the planning authority in writing prior to the commencement of development. The plan shall include details of the timing and nature of delivery vehicles and plans to prevent vehicles queuing on New Street thereby causing a traffic obstruction. During

operational stage, HGV usage of the New Street entrance to the basement car park / service area after 2200hrs shall be restricted, save in exceptional circumstances with the written agreement of the planning authority.

Reason: To prevent traffic congestion and in order to protect residential amenities.

26. Prior to the commencement of development on the site, a report on the methodology for bat surveys and monitoring to be undertaken on the site, prepared by a suitably qualified individual, shall be submitted to and agreed in writing with the planning authority. Such report shall, in particular, address the timing of works on the site and shall address the mitigation measures to be implemented. All works shall be carried out under the necessary supervision of a licensed specialist.

Reason: In order to protect potential bat population of the area.

27. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

28. A Japanese Knotweed Management Plan shall be prepared and implemented prior to any construction works on site. The plan shall be drawn up by a suitably qualified ecologist in accordance with the UK Environment Agency Knotweed Code of Practice and shall set out measures to treat and eradicate all Japanese Knotweed on site.

Reason: To ensure avoidance of risk of further spread of Japanese Knotweed.

29. Site development and building works shall be carried out only between the hours of 0800 to 2000 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.

30. Prior to commencement of development, a method statement for the management of the construction phase of the proposed development shall be submitted to and agreed in writing with the planning authority. The method statement shall address the following:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (i) Provision of parking for existing properties on New Street during the construction period.
 - (j) Implementation of the plan shall be overseen by a committee comprising representatives of the developer, contractors and of the

planning authority.

(k) Appointment of a community liaison officer and establishment of means of communication with local residents and businesses.

Reason: In the interests of orderly development and road safety.

31. A Scheme of monitoring of noise emissions during both the construction phase and for the first 12 months of the operational phase following the ending of the construction, shall be submitted to and agreed in writing with the planning authority, before work commences on site. The scheme shall specify the location of monitoring points, the timing and duration of monitoring, and reporting and recording procedures. The monitoring points shall include all of the nearest sensitive receptors to the site (that is the nearest residential properties, and the nearest community and educational properties). The scheme as agreed with planning authority, shall be carried out, to the satisfaction of the authority, at the developer's expense.

Reason: In order to ensure that the proposed development does not result in excessive noise emissions, and that these can be appropriately monitored, in the interest of protecting the amenities of properties in the vicinity.

32. Vibration levels from construction and excavation activities on the site shall not exceed a peak particle velocity of 12 mm/second, measured in any three mutually orthogonal directions at any sensitive location. Prior to the commencement of works on the site, structural surveys of sensitive structures in the vicinity of the site shall be undertaken. A monitoring programme shall be agreed in writing with the planning authority prior to commencement of any works on the site. Details to be agreed shall include the identity of properties, the subject to structural surveys and the location and frequency of monitoring to be undertaken. In the event of the above emission limit value being reached or exceeded, or structural impacts to adjoining structures arising, the developer shall notify the planning authority without delay, and shall carry out any remedial measures specified by the planning authority,

including, if necessary, cessation of works.

Reason: In the interest of the protection of residential amenity and cultural heritage.

33. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

34. Construction and demolition waste shall be managed in accordance with a construction waste and demolition 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

35. The developer shall submit a waste management plan to the planning authority for approval in writing in relation to the ongoing operation of the

retail centre.

Reason: In the interest of sustainable waste management.

36. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the proposed development is made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

37. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

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

38. 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.

39. The developer shall pay the sum of € 40,000 (forty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the 300mm storm drain. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

40. The developer shall pay the sum of € 60,000 (sixty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of landscaping works within Wyse Park. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Sarah Moran
Senior Planning Inspector

23rd January 2017