



An  
Bord  
Pleanála

## Inspector's Report PL93.248811

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<b>Development</b>	117 residential units and associated site works.
<b>Location</b>	Knockboy, Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	16/701
<b>Applicant(s)</b>	J & B Neville Construction
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	James O'Sullivan
<b>Observer(s)</b>	None on file.
<b>Date of Site Inspection</b>	25 <sup>th</sup> September 2017
<b>Inspector</b>	Sarah Moran

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## **1.0 Site Location and Description**

1.1. The site is located in Knockboy, an established suburban area in the south-eastern suburbs of Waterford city, which is characterised by low density residential development. It is accessed from Knockboy Road via a distributor road within an existing partially constructed residential development, The Village. The site has a stated area of 4.09 ha and comprises two distinct areas, i.e. an area of undeveloped lands to the west and a wooded / wetland area to the east, drained by a stream running northwards towards the Suir. The eastern area is densely overgrown at present. The wetland area extends along the stream for some distance to the north, beyond the site boundary. Levels fall from south to north across the site, towards the wetlands area. There are a scout hall and 2 no. detached dwellings to the immediate east of the southern end of the site, facing the Knockboy Road. The site is served by the public sewer and water supply.

## **2.0 Proposed Development**

2.1. The current proposal is part of a larger development that is being constructed in 5 phases, which was originally permitted under PL31.216423. Phases 1 and 2, a total of 26 no. houses and a central spine road, are already constructed / under construction. The subject development comprises phases 3 and 4 on the western side of the overall site and phase 5 to the east of the constructed spine road.

2.2. The proposal as originally submitted to the planning authority on 16<sup>th</sup> May 2017 comprised:

Unit Type	Phase 3	Phase 4	Phase 5	Total
A / A1 3 bed semi-detached house	20	22	8	50
B 2 bed terraced house	16	16		32
D / D1 4 bed detached / semi-detached house	1		6	7
E 3 storey duplex block 4 no. 1 bed and 4 no. 2 bed apts			2 (16 units)	16
F 2 storey block 2 no. 2 bed and 2 no. 3 bed houses			1 (4 units)	4
G / H 3 storey duplex block 4 no. bed apts and 4 no. bed apts			1 (8 units)	8
<b>Total</b>	<b>37</b>	<b>38</b>	<b>42</b>	<b>117</b>

The designs of some of the house and apartment types were amended slightly in the further information submitted to the planning authority on 28<sup>th</sup> October 2016, however the total no. of each type of unit did not change and the total no. of residential units remained at 117.

2.3. The development includes retention of the wetland area on the eastern side of the site as an open space with a proposed nature trail.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority requested further information on 21<sup>st</sup> December 2016 in relation to revised residential layout; phasing and development of wetland area; boundary treatment to Riverview and Cnoic Caisleán developments; revised parking layout; revised roads / pedestrian layouts; cross sections; revised house designs; drainage details and ecological issues regarding the wetland area.

3.1.2. Permission was granted on 8<sup>th</sup> June 2017, subject to 24 no. conditions. Condition no. 1(c) requires the construction of a 1.8m high boundary wall to the rear of houses along the northern site boundary. Conditions nos. 3 and 4 required the submission of further details of bin storage and landscaping to the apartments / duplex units. Condition no. 13 requires the completion of a right turning lane on the Knockboy Road prior to the commencement of phase 3, also a footpath and street lighting to the boundary of the Scout Hall at the junction of The Village and Knockboy Road. Condition no. 24 requires the implementation of the recommendations of the Heritage Officer.

### 3.2. **Planning Authority Reports**

3.2.1. Initial planning report dated 21<sup>st</sup> December. Recommends a request for further information in relation to revised design for houses with side boundaries onto open space; phasing of development and wetland area; boundary treatment to Riverview estate; revised parking layout for Phase 5; revised roads layout for phase 4; pedestrian links to adjacent developments via the wetland; details of ground levels for phase 5; revised individual house designs to address specific issues; surface water details to be agreed with Water Services; treatment of wetland area to be discussed with Heritage Officer; roads layout to comply with DMURS. Second planning report dated 7<sup>th</sup> June 2017. Further information response is satisfactory, recommends permission subject to conditions.

#### 3.2.2. Other Technical Reports:

- Water Services Department, undated. Further information required, developer to consult with the planning authority regarding surface water drainage and attenuation measures. Second report on foot of further information, 31<sup>st</sup> May 2017. No objection subject to conditions.
- Heritage Officer, 1<sup>st</sup> June 2017, on foot of further information submission. Site has important ecological value as hydrological connectivity with the River Suir SAC. Measures to promote biodiversity recommended. Recommends the provision of a fenced boardwalk in the wetland area.

### 3.3. Prescribed Bodies

3.3.1. Irish Water, 28<sup>th</sup> October 2016. No objection.

### 3.4. Third Party Observations

3.4.1. The planning authority received 10 no submissions from third parties in relation to the initial application and an additional 3 no. submissions on foot of the further information submitted. These objected to the development on grounds relating to the following issues:

- Development will replace 10 no. detached houses as permitted under the original permission. Proposed development adds 20 units to the site. The originally permitted development should be constructed.
- Proposed 3 storey units are out of keeping with the character of the area.
- Development will result in additional demand for on-street parking to the detriment of existing residents of the area. Risk to disabled footpath users as a result of same.
- Traffic impacts. Concerns about road safety due to existing road geometry. A right turning lane still has not been constructed at the entrance to the estate.
- Impacts on the shared boundary between the subject development and the adjacent Cnoic Caislean and Riverview estates. Related issues of anti-social behaviour and criminal activity in the area. Request that the boundary wall be increased in height to 3m and completed prior to the commencement of development. Concern about potential difference in levels between the subject site and Riverview estate.
- The above named appellant made a submission in relation to drainage issues, as detailed in the third party appeal. Similar issues are raised in several other third party submissions, i.e. potential exacerbation of existing flooding downstream of the site.

## 4.0 Planning History

### 4.1. PL31.216423 Reg. Ref. 05/60

4.1.1. W.M. Neville sought permission for a development comprising 89 no. houses, 64 no. apartments and a crèche at the subject site. The Board granted permission for the development. I note that the Inspector's report on file recommended refusal for 2 no reasons relating to:

1. Substandard form of development by reason of the location, fragmentation and poor disposition of public open spaces, the height of the proposed duplex units and their relationship to and inadequate separation from other house types within the development, and a roads layout which would not be conducive to pedestrian safety ...
2. Having regard to the proposed study of the biodiversity and ecology of the site by the planning authority, and to the consideration of part of the site for natural heritage designation by the National Parks and Wildlife Service, the Board is not satisfied on the basis of the information contained in the planning application and appeal that an appropriate assessment of the effects of the development on the natural environment has been carried out. It is considered, therefore, that the proposed development would be contrary to the policy of the Waterford City Development Plan 2002 that the protection, conservation and enhancement of wildlife habitats shall be given due consideration and reconciled with the encouragement of sustainable development ...

4.1.2. The stated Reasons and Considerations of the Board included:

*In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the omission of a number of units adjacent to the wetland area overcame the Inspector's concerns by the provision of a buffer with the wetland area and with regard to the layout the provision of more amenity open space overcame the layout issue.*

Condition no. 2 of the Board permission required the omission of 8 no. houses and an associated road, to be used as an open space buffer between the development and the wetland area.

**4.2. Reg. Ref. 14/500053**

- 4.2.1. Relating to an area at the south western corner of the overall site. The planning authority granted permission to the current applicant for a change of house type to replace 2 no. 3 storey duplex units containing 24 no. residential units, as granted under PL31.216423, with 10 no. detached and semi-detached houses.

**4.3. PL93.245483 Reg. Ref. 15/272**

- 4.3.1. Relating to an area on the western side of the subject site. Permission sought by the current applicant to replace 4 no. duplex blocks and 26 no. houses as granted under PL31.216423 with 28 no. detached and semi-detached houses. The decision was appealed by the same third party as the subject case, on similar grounds. The Board refused permission for one reason relating to inadequate housing density that would give rise to an inefficient use of zoned residential land and of the infrastructure supporting it and contravention of Government policy to promote sustainable patterns of settlement.

**4.4. PL93.248547 Reg. Ref. 16/833 Adjacent Site to East**

- 4.4.1. There is another current appeal relating to a site further to the east of the subject site, on the other side of the Knockboy Road. Permission is sought by Jackie Greene Construction Ltd. to construct 285 no. dwellings / maisonettes, vehicular and pedestrian access and site works. Permission was granted by the planning authority and appealed by a third party. Permission had previously been granted for 179 no. houses and 12 serviced sites at this location under reg. ref. 15/711.

**4.5. Reg. Ref. 05/500161, 11/500027, 12/500070 Cnoic Caisleán Development**

- 4.5.1. Relating to lands to the west of the subject site. Permission granted to Liam Neville (Construction) Ltd. for 8 no. detached houses and 86 no. semi-detached / terraced houses and all associated site works. The permission omitted units 4 no. houses, to be replaced by public open space. Permission granted for a change of house type with a loss of 6 houses overall under reg. ref. 11/500027 and further amendments resulting in a loss of 7 houses overall under reg. ref. 12/500070.



## 5.0 Policy Context

### 5.1. Waterford City Development Plan 2013-2019

- 5.1.1. The site is primarily zoned as '*undeveloped residential subject to phasing*'. An area on the eastern side of the site, associated with the stream and wetland, is zoned as open space. There is a small area at the southern end of the site, associated with the scout hall, that is zoned for community facilities. There is an objective for a proposed cycle lane along the adjacent stretch of the Knockboy Road. Other surrounding areas are zoned as 'existing residential'.
- 5.1.2. The following development plan policies and objectives are considered particularly relevant to the proposed scheme:
- Section 7.3.5 Dunmore Road / Knockboy / Blenheim;
  - Section 10.3 Landscapes and Riverscapes; section 10.4 Biodiversity; Section 10.5 Urban Trees and Woodlands;
  - Chapter 11 Environmental Management;
  - Development management standards set out in Variation no. 1, as adopted on 8<sup>th</sup> September 2016.

### 5.2. Natural Heritage Designations

- 5.2.1. The following Natura 2000 sites are located within 15 km of the development site:

Site (site code)	Distance from subject site.
Tramore Dunes and Backstrand SAC (000671)	c. 8.3 km
Bannow Bay SAC (000697)	c. 14.5 km
Hook Head SAC (000764)	c. 15 km
Lower River Suir SAC (002137)	c. 0.65 km
River Barrow and River Nore SAC (002162)	c. 0.7 km
Tramore Back Strand SPA (004027)	c. 7.5 km
Bannow Bay SPA (004033)	c. 15 km
Mid-Waterford Coast SPA (004193)	c. 12.5 km

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The main points made in the third party appeal may be summarised as follows:

- The proposed surface water design fails to take into consideration the presence of drainage ditches and wetlands in the vicinity of the site.
- There have been numerous flooding instances in Riverview, along the Dunmore Road and within the appellant's lands. On several occasions, wastewater has overflowed from the Islandview pumphouse and onto the appellant's crops. This has occurred as a result of ingress of surface water into the foul network beyond the capacity of the pumping station overflow system.
- The permission granted allows for the maximum surface water flow rate of 3 l/sec to exit the site during any rainfall period. This flow is to be carried via the existing 750 mm pipeline into a culvert under the Dunmore Road and into the stream which flows into the drainage network associated with the appellant's landholding. This is less than the calculated existing greenfield flow and should theoretically reduce the runoff into the appellant's lands. However, the reality is different there has been an increased frequency of flooding and as the area has been developed over the past 2 decades.
- Photographs of flooding incidences are submitted. Also impacts on appellant's crops as a result of same.
- The Knockboy area has an impermeable soil type of marl clay. The presence of a large number of natural springs has resulted in the creation of wetlands. Most of the wetlands in Knockboy have been drained for agricultural use, with runoff from the development site and upgradient lands being diverted into open drains and streams and then into the culvert. If these drains are intercepted during construction of the development, ensuing flows will be diverted to the nearest existing open drains and streams and thence to the wetlands area, arriving at a far greater rate than the existing natural rate.
- Concern about maintenance of the proposed attenuation tank and consequent risk of flooding. It is submitted that the development should be drained using

SUDS measures such as detention ponds, controlled wetlands, etc., which can be easily accessed and maintained.

- The development will also result in additional surface water entering the foul system served by Islandview pumphouse, which will exacerbate existing overflow from that system at the appellant's lands.
- The planning authority further information request indicated that it was not satisfied that the Ecological Impact Assessment Report submitted with the application had not adequately factored in how wetlands tied into the proposed surface water attenuation system. The further information submitted did not clarify how the surface and subsurface drainage interacted with the wetland system. This situation will continue if permission is granted as the development does not include any other drainage measures.
- The appellant has discussed the situation with WCCC, which is unwilling to carry out remedial works to ameliorate the flooding.

## **6.2. Applicant Response to Third Party Appeal**

6.2.1. The applicant's response to the grounds of appeal may be summarised as follows:

- The development site is zoned for residential development. There is a precedent set by previous permissions for development on these lands.
- The original design for surface water attenuation was approved under PL31.216423. The appellant did not lodge any third party submission or appeal in relation to that case, or in the subsequent application and appeal relating to the site, ref. 15/272 and PL93.245483.
- The Board decision PL93.245483 was refused for reasons relating to the inefficient use of zoned residential land and of the infrastructure supporting it. There was no mention of drainage concerns.
- The current proposal addresses the refusal reason of PL93.245483 and achieves a density of 36 units / ha. The surface water attenuation scheme has been completely redesigned from the layout approved under PL31.216423 following consultation with the planning authority. It will achieve a run off rate of 3 l/sec. This far exceeds normal design standards for similar developments.

## 7.0 Assessment

7.1. The following are considered to be the principal issues for consideration in this case:

- Principle of development;
- Drainage issues;
- Ecological impacts;
- Design, density and layout;
- Traffic and parking;
- Part V;
- Appropriate Assessment screening;
- Conclusion.

These matters may be considered separately as follows.

### 7.2. Principle of Development

7.2.1. The site is zoned as 'undeveloped residential (subject to phasing)' in development plan Map A. Development plan section 2.2.1 sets out the housing land requirement for the plan period. It notes that, with regard to protected population increases, there was an excess of residentially zoned land, amounting to 353 ha of land as of February 2012. Section 2.2.3 notes that Waterford City now has significant spare capacity in its water infrastructure which can support population growth without any further investments in capital works. Priority is to be given to lands which are contiguous to already developed lands and to lands which, as defined by Flood Risk Assessment, are least vulnerable to potential flooding and least demanding on the need for investment in flood related infrastructure. The Residential Zoning and Phasing Map A3 indicates the development site as 'Phase 1'. Development is to be permitted in principle on such Phase 1 lands, including residential zoned lands with existing permissions. The development is acceptable in principle on this basis.

### 7.3. Drainage Issues

7.3.1. The applicant proposes to connect to the existing storm and foul sewers running along The Village to the south of the site. Surface water is to drain to an attenuation tank located at the northern side of the site, close to the wetland area, and then to

the existing stream. The documentation on file states that an existing open drain along the northern site boundary, to the rear of housing within the Ashbrook estate, is to be retained, however this is not indicated on the submitted drainage layouts. I also note that the drainage proposals do not include SUDS measures such as permeable paving. The drainage details submitted to the planning authority as further information on 16<sup>th</sup> May 2017 provide calculations for 'Option 1', an outflow of 3 l/sec. The response was satisfactory to the Water Services Department of Waterford City and County Council, ref. report on file dated 31<sup>st</sup> May 2017, which recommends permission subject to conditions. Condition no. 9 of the permission requires the surface water drainage and attenuation system to be constructed as per Option 1, to the required 3 l/sec maximum discharge. The applicant's response to the appeal submits that the 3 l/sec discharge rate is below greenfield run off rates, in contrast to the Greater Dublin Regional Drainage Code, generally used throughout the country, which would allow a flow of 34 l/sec from a clay site such as this

- 7.3.2. The appellant owns lands to the north, which are drained by the stream flowing through the subject site as it flows to the River Suir. Those lands are within the flood zone in the development plan flood zones map. The appellant submits that his lands have already been subject to wastewater overflow from Islandview pumphouse, which is located on the lands. It is also submitted that the proposed development will result in additional surface water discharge to the stream on the development site, with resultant increased flooding risk to his lands downstream. I note that similar issues have been raised in the grounds of appeal for an adjacent site to the east which is also currently before the Board, ref. PL93.248547. Development plan section 11.4 sets out existing and proposed waste water treatment infrastructure for Waterford City for the plan period. Phase 2 of the Waterford Main Drainage scheme was completed by Waterford City Council in 2010, including the provision of a new WWTP at Gorteens, Co. Kilkenny, also the transfer of the City's wastewater via the provision of collector sewers, pumping stations and rising mains along the southern and northern side of the River Suir. The phasing of undeveloped residentially zoned lands, as set out in the Core Strategy, heavily influenced by the level of drainage provision/serviceability. There are no specific objectives or measures relating to the Islandview pumping station.

7.3.3. I note that development has already been permitted at the subject site as per the planning history set out above, and that the Board did not refuse the recent proposal submitted under PL93.245483 on drainage issues but instead on the basis of low density. I accept the applicant's submission that the proposed attenuation system would reduce runoff to below greenfield rates. The proposed drainage arrangements are considered acceptable on this basis.

7.3.4. With regard to flood risk, draft OPW flood maps do not indicate any fluvial flooding in the vicinity of the site. There is a small area of pluvial flood risk to the north, at the Ashbrook estate. The older OPW flood maps do not indicate any instances of flooding in the vicinity. The site is well outside the flood zone identified in the development plan flood zones map. The proposed surface water drainage measures are acceptable, as discussed above. It is therefore considered that the development would not result in any significant flood risk.

#### **7.4. Ecological Impacts**

7.4.1. The Ecological Impact Assessment Report submitted with the application notes that the site is within 820m of King's Channel NHA and the Lower River Suir SAC and that the stream flowing through the site is hydrologically connected to these designated sites. Badgers, Breeding Frog and Smooth Newt are also likely to be present at the site. Several protected bat species are likely to use the woodland habitat for foraging / roosting. Several protected mammal species are likely to be resident in the wooded area of the site. While the area was known as 'Knockboy Fen' in the past, there is no fen habitat present now, due to the urbanisation of the area since 2000. There is potential for direct effects on the Lower River Suir SAC and King's Channel NHA, due to the hydrological connection with the stream and drainage ditches at the site. Potential impacts are primarily related to the potential for water pollution during the construction phase and long term due to surface water run-off. Proposed mitigation measures are outlined, including protection of water quality and bat habitats. The report concludes that habitat retention and replacement will compensate or add to the wildlife value of the area. In addition, while spawning habitat for several freshwater species is potentially affected by the development, these species are unlikely to reach the subject site due to the presence of barriers.

7.4.2. The applicant submitted a 'Baseline Wetland Assessment and Habitat Management Plan' to the planning authority as further information. This provides further details of habitats present in the wetland area of the site. Further details of conservation / management measures are also submitted, principally comprising the protection and enhancement of the woodland and wetland area. I note the report on file of the Heritage Officer of Waterford City and County Council, which recommends that the site is kept open and unfenced and enhanced by measures such as information boards and a boardwalk though the north and south of the site, to improve accessibility, along with the measures recommended in the plan. The applicant proposes to commence the conservation and management of the wetland area in conjunction with the construction of phase 3 of the development. These measures were required as conditions no. 22, 23 and 24 of the permission.

7.4.3. I am generally satisfied that the development would not have significant adverse impacts on the wetland area, subject to the proposed mitigation measures and the requirements specified by the Heritage Officer of Waterford City and County Council. However, I note that the proposed 2 no. 'Type E' duplex blocks at the northern end of Phase 5 and the associated road and parking areas are all located in a part of the site where houses nos. 125, 126, 137 and 138 were omitted by condition in the Board decision PL31.216423, for the following stated reason:

*"To protect and safeguard the wetland area and to provide a buffer between the wetland and the wetland area."*

I therefore recommend that these blocks should be omitted by condition if the Board is minded to grant condition, in order to achieve a satisfactory buffer to the wetland area.

## 7.5. Design, Density and Layout

7.5.1. The design, density and layout of the scheme have been considered with regard to the guidance provided in the following documents:

- Waterford City Development Plan 2013-2019, including the development management standards set out in Variation no. 1, adopted on 8<sup>th</sup> September 2016;

- The DoEHLG documents *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) and the accompanying *Urban Design Manual*;
- The DoEHLG *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2015);
- The *Design Manual for Urban Roads and Streets* (DMURS), which was jointly issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Planning and Local Government in 2013.

#### 7.5.2. Residential Density

Permission was originally granted to develop the overall lands of which the subject site is part under PL31.216423. That permission comprised 81 no. houses, 64 no. apartments and a crèche on a site with a stated area of 5.4 ha. The permission granted under Reg. Ref. 14/500053 resulted in a loss of 14 no. residential units at the overall site, i.e. a total of 131 residential units. The 10 no. houses permitted under 14/500053 are now complete and are identified as 'Phase 1' on the current site layout. A total of 16 no. houses and part of the central spine road, as permitted under PL31.216423, have also been constructed and are identified as 'Phase 2' on the current site layout. The development proposed at the western side of the site under PL93.2245483 would have resulted in the replacement of 32 no. apartments and 26 no. houses with 28 no. houses, i.e. a further loss of 30 no. residential units. As noted above, that application was refused permission by the Board on the grounds that it would result in inadequate housing density and an inefficient use of residentially zoned land and supporting infrastructure, contrary to government policies on sustainable residential development.

The subject proposal involves the following:

- Phase 3 on the western side of the site. 36 no. semi-detached and terraced houses. This area also includes a detached house 'Type D', fronting onto The Village, at the location of the crèche permitted under PL31.216423, therefore 37 no. units in total.
- Phase 4 at the north western corner of the site. 38 no. semi-detached and terraced houses.



- Phase 5 on the eastern side of the site. 14 no. detached and semi-detached houses; 2 no. 'Type E' duplex apartment blocks containing a total of 16 no. apartments; one 'Type F' block containing 4 no. houses and one 'duplex block G/H' containing 8 no. apartments, i.e. a total of 38 no. residential units.

The development of all 5 phases would result in a total of 139 no. units on the overall site as compared to the 145 no. units originally permitted on under PL31.216423.

I note section 5.11 of the DOELG guidelines on sustainable residential development in urban areas, which recommends a density of 35-50 units/ha for outer suburban / greenfield sites in larger towns and cities. Development at net densities of < 30 units/ha is to be discouraged in the interests of land efficiency, particularly on sites > 0.5 ha. Section 3.3 of development plan Variation no. 1 does not prescribe a maximum residential density for development within the plan boundary but states that appropriate density shall be determined by the planning authority on a site by site basis having regard to the following criteria;

- Compliance with overall quantitative & qualitative standards set out in this Development Plan.
- Overall context having regard to existing densities in adjoining residential developments.
- Infrastructural capacity to absorb the demands created by the development.
- Existing features on the site (e.g. balancing conservation issues, etc).

I estimate that the net overall density omitting the landscaped buffer at the wetland area would be in the order of c. 35 units/ha, at the lower end of the DOELG recommendation for greenfield sites.

### 7.5.3. Housing Mix

Development plan section 8.6 states an objective to ensure that a mixture of residential unit types and sizes are developed to reasonably match the requirements of different categories of households within the city, including the special requirements of older persons and people with disabilities and other special needs. The plan does not set out a specific requirement of housing mix but notes that Waterford City already has a lower than State average household size and the trend towards smaller household size is expected to continue over the next decade, with a

resultant increased requirement for smaller units. Section 4.1 of development plan Variation no. 1 states that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of household types. A mix of house types and sizes is to be provided in developments > 15 units.

The housing mix for the overall site is as follows (as per the revised development submitted as further information on 28<sup>th</sup> October 2016):

Unit Type	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	TOTAL
1 bed apt					12	12(8%)
2 bed apt					8	8 (6%)
3 bed apt					4	4 (3%)
2 bed house		4	16	16	2	38 (27%)
3 bed house	6	12	20	22	10	70 (49%)
4 bed house	4		1		6	11 (8%)
<b>TOTAL</b>	10	16	37	38	42	<b>143</b>

The site is located in a low density suburban area overwhelmingly characterised by detached and semi-detached houses on large plots. Over half of the development (57%) comprises 3 and 4 bed houses. The remaining units are a mix of 2 bed houses and apartments. It is considered that this mix is reasonable overall with regard to the above development plan objectives. However, I note that the omission of the 2 no. 'Type E' blocks, as discussed above, would change the mix of house types such that 3 and 4 bed houses are 60% of the overall scheme, a less desirable housing mix.

#### 7.5.4. Design and Layout

There are 2 distinct areas within the development, i.e. phases 3 and 4 on the western side of the site and phase 5 to the east. Phases 3 and 4 are accessed via a curving spine road. Long rows of terraced and semi-detached houses face central

areas of open space. The western side of phase 5 fronts onto the central spine road, i.e. 6 no, semi-detached houses and a 'Type E' apartment block. 4 no. houses on the southern side of Phase 5 front directly onto The Village road. The eastern side of Phase 5 has a separate access from The Village.

The development has limited integration with surrounding schemes. The proposed layout allows for pedestrian connections with Cnoic Caisleán to the west. In addition, the redesign of houses nos. 19, 20 and 5 as dual fronted units, as required by the planning authority, is desirable to address Conic Caisleán. However the lack of any connection to Ashbrook to the north is a missed opportunity as such a connection would significantly reduce walking distance to the Dunmore Road. I note that the further information submission states that the applicant explored the possibility of a link across the wetland area to the Dunmore Road but it was agreed that the wetlands area would not be accessed following discussions with the Heritage Officer of Waterford City and County Council. The development includes a 1.2 m high wall along the shared boundary with Ashbrook and a fence along the wetland area to the boundary of Riverview to the north, closing off the link between Riverview and the wetland area. I note the concerns of adjacent residents regarding anti-social behaviour in this part of the site, however the issue could be ameliorated by a high standard of design and public lighting. A connection could be achieved by the omission of houses nos. 57 and 58 in phase 4, with the consequent redesign of this part of the development. This measure could be required as a condition of permission.

Both the development plan and the DOELG guidelines on sustainable residential development in urban areas recommend a provision of public space at a rate of 15% of the total site area for green field sites, to be in the form of useful open space. The application states an open space provision of 27.5%, well in excess of this requirement. The central open spaces within phases 3 and 4 are clearly defined, useable and well overlooked and are acceptable. The wetlands area is of limited utility, however the provision of a boardwalk as recommended by the planning authority would significantly enhance the amenities of the area. The proposed public open space provision is acceptable overall on this basis.

The houses within phases 3, 4 and 5 all have ample areas of private open space to the rear and achieve satisfactory distances to adjacent dwellings. I note that the

further information request advised the applicant to consider reducing the size of private rear gardens in favour of an enhanced quantum of public open space. That revision would be desirable, however the revised design does not include any substantial amendments in this regard.

With regard to the roads layout, the central spine road was permitted pre DMURS and has a wide curve, this is a legacy issue that would be addressed by the proposed speed tables. While the new roads layouts include narrow corner radii in accordance with DMURS recommendations, the layout of long rows of terraced and semi-detached houses encourages higher traffic speeds and mitigates against DMURS principles of self-regulating spaces. In addition, the proposed parking provision in the front gardens of houses in phases 3 and 4 contravenes DMURS recommendations for active street edges, ref. section 4.2.3. A layout whereby communal parking is provided perpendicular to the street would achieve a greater sense of enclosure and would allow for a better quality public realm. I note that houses nos. 90-93 within phase 5 have direct access to the distributor road at The Village, which is not desirable with regard to traffic safety. It would be preferable if they were accessed from within the scheme. The proposed roads layout is not satisfactory with regard to these issues.

#### 7.5.5. Quality of Apartment Accommodation

The design and layout of the apartment units in the duplex blocks E and G/H are generally in accordance with the requirements of the DOELG design standards for apartments.

#### 7.5.6. Childcare

The DOELG Childcare Facilities section 28 guidelines issued in 2001 recommend a standard of one childcare facility providing for a minimum 20 childcare places per approx. 75 dwellings. This recommendation is repeated in section 4.5 of the DOELG guidelines on sustainable residential development in urban areas. This requirement would entail a provision of a crèche with c. 37 places to serve the 139 no dwellings in all 5 phases of the overall scheme. The proposed layout indicates a detached house, unit no. 1, in the place of the crèche originally provided in the development permitted under PL31.216423. The application does not provide any justification for this replacement in terms of the existing geographical distribution of childcare facilities

and the demographic profile of the area, as recommended in the DOELG guidelines. It is therefore considered that this aspect of the development should be omitted by condition if the Board is minded to grant permission.

## 7.6. **Traffic and Parking**

The applicant has submitted proposals for a right turning lane from Knockboy road to The Village to the satisfaction of the planning authority. The proposed parking provision is generally in accordance with the standards set out in table 5.0 of development plan Variation no. 1. However, the parking provision for the 16 no. units within the 'Type E' duplex blocks in phase 5 does not include visitor parking. In addition, there is no cycle parking provision for the apartment blocks G/H or E. Additional parking provision could be required by condition, but the area of the 'type E' blocks is problematic due to its proximity to the wetland area, as discussed above.

## 7.7. **Part V**

- 7.7.1. The applicant discussed Part V proposals in the section 247 pre-application consultation with the planning authority. The application includes correspondence from Waterford City and County Council stating agreement to the transfer of 12 units within the scheme in order to satisfy Part V requirements for phases 3, 4 and 5. This is satisfactory.

## 7.8. **Appropriate Assessment Screening**

- 7.8.1. This section of the report comprises a Stage I AA screening. It considers the likely significant effects of the proposal on the European sites with each of the potential significant impacts assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same.

### 7.8.2. The Project and Its Characteristics

The proposed development comprises the construction of 117 no. residential units on a site together with associated site works including:

- Roads and hardstanding areas;
- Surface water drainage and attenuation with outfall to the stream at the development site;
- Ground works and infill.

### 7.8.3. The European Sites Likely to be Affected

All designated sites within 15km of the development are listed above. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is 820m from the Lower River Suir SAC (site code 002182) has a direct hydrological connection to the SAC. There are unlikely to be significant effects on the other designated sites within 15 km due to the urban location of the site, to the nature of the development, to the intervening distances and to the lack of direct connections with regard to the source-pathway-receptor model.

### 7.8.4. Potential Effects on the Lower River Suir SAC

The Lower River Suir SAC has the following qualifying Annex I habitats and Annex II species:

- 1029 Freshwater Pearl Mussel *Margaritifera margaritifera*
- 1092 White-clawed Crayfish *Austropotamobius pallipes*
- 1095 Sea Lamprey *Petromyzon marinus*
- 1096 Brook Lamprey *Lampetra planeri*
- 1099 River Lamprey *Lampetra fluviatilis*
- 1103 Twaite Shad *Alosa fallax fallax*
- 1106 Salmon *Salmo salar*
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- 1355 Otter *Lutra lutra*
- 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
- 3260 Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation
- 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

- 91E0 Alluvial forests with *Alnus Glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae), priority habitat.
- 91J0 *Taxus Baccata* woods of the British Isles, priority habitat.

The current conservation objective for the Lower River Suir SAC is as follows:

*“To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.”*

There are detailed, site specific conservation objectives for each of the above qualifying interests.

The Ecological Impact Assessment Report on file states that there is potential for Brook and river Lamprey to be present in the stream at the site but not the other qualifying Annex II species listed as access from the sea is restricted by various pipes and culverts. There is potential for direct impact on the Lower River Suir SAC due to the direct hydrological connection with the stream and drainage ditches at the site.

#### 7.8.5. Mitigation Measures

The proposed mitigation measures comprise standard water quality mitigation measures during construction to protect the stream and wetland, including measures to prevent suspended solids in runoff to drainage ditches at the site. Given that these measures are integral to the development, it is considered that they can be included in the Stage I AA screening.

#### 7.8.6. Stage I AA Screening Conclusion

I note the AA screening report in file as carried out by the planning authority, which does not anticipate any significant adverse impacts on designated sites. The development site has a direct hydrological connection to the King’s Channel SAC c. 820m to the north. For the purposes of AA, potential effects on designated sites must be (a) significant, (b) relevant to the conservation objective for the European Site, and (c) the possibility of effects cannot reasonably be excluded (having regard to the precautionary principle). I note that the proposed road and hardstanding area of Phase 5 would encroach within 25m of the stream. Subject to the omission of that aspect of the development, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening

determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Lower River Suir SAC, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Conclusion

8.1. The above analysis identifies several specific concerns relating to the design and layout of the scheme, namely:

- 'Type E' blocks in phase 5 located too close to the wetland area;
- Lack of a pedestrian connection with Ashbrook to the north;
- Large rear gardens of houses in phases 3 and 4 leading to lower residential density and reduced area of public realm;
- Layout of phases 3 and 4 contravenes DMURS standards with regard to integration with surrounding areas, self-regulating spaces, parking layout. The phase 5 layout with several houses accessing directly to the distributor road is also undesirable;
- Inadequate parking provision for 'type E' apartment blocks;
- Loss of permitted childcare provision.

8.2. These issues could be addressed somewhat by the imposition of conditions requiring revised roads and parking layout layouts; the omission of units 57 and 58 to create access to Ashbrook and the omission of house no. 1 in phase 3 to retain the originally permitted crèche. However, these amendments, when taken in conjunction with the omission of the 'type E' apartment blocks necessary to achieve a satisfactory buffer to the wetland area, as discussed above, would result in a loss of 19 no. residential units in total, which would significantly reduce the overall residential density of the scheme. Given that the net overall density as proposed is estimated at c. 35 units/ha, at the lower end of the DOELG recommendation for greenfield sites, these amendments would result in a scheme with excessively low density and a consequent less than optimum use of zoned and serviced land. I consider that the proposed design and layout are unacceptable due to these issues.



I note section 3.12 of the DOELG guidance on sustainable residential development in urban areas, which states:

*“High standards of design should be encouraged by planning authorities; a proposed development which barely meets minimum standards should not be accepted ... Where the design is of such poor quality as to result in a sub-standard housing environment, permission should be refused; the reasons for refusal should clearly indicate how the layout and design would need to be improved of permission for a revised application is to be considered.”*

## 9.0 Recommendation

9.1. Having regard to the above assessment, I recommend that planning permission be refused, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the lack of permeability for pedestrians and cyclists and to the poor quality of the residential layout and design which is in conflict with the Design Manual for Urban Roads and Streets and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May, 2009, it is considered that the proposed development would seriously injure the residential amenities of the area and the residential amenities of future occupants and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

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Sarah Moran  
Senior Planning Inspector  
4<sup>th</sup> October 2017