



An
Bord
Pleanála

Inspector's Report ABP-301927-18 EIA Direction

Development	Residential Development of 58 no. units and all associated site development works.
Location	Slievekeale, Waterford, Co. Waterford
Planning Authority	Waterford City and County Council
Applicant(s)	Waterford City and County Council
Type of Appeal	EIA Direction
Referrer	T.E. Gill
Date of Site Inspection	31 st October, 2018
Inspector	Stephen Kay

1.0 Introduction

- 1.1. I have read the contents of file ABP-301927-18 and inspected the site on 31st October, 2018. The purpose of this report is to advise the Board on whether it should issue a direction to Waterford City and County Council that the proposed development of 58 no. dwellings and ancillary site works on the site of the former Presentation Convent should be subject to Environmental Impact Assessment (EIA). The request for a direction has been made by Mr T.E Gill under Art. 120(3) of the Planning and Development Regulations 2001 (as amended).

2.0 Site Location and Description

- 2.1. The site which is the subject of this direction is located to the west of and approximately 1.8km from the city centre. The site is bounded to the north by the Slievekeale Road and to the northern side of this road by Walsh Park, the GAA stadium for Waterford. To the west, the site is bounded by Vincent White Road and beyond that by an established residential area of two storey houses (Manor Lawn and Willow Terrace). To the south, the site adjoins the Presentation Brothers Secondary School and to the north east the former Presentation Convent, which is included on the record of protected structures.
- 2.2. The former convent building has been redeveloped as Waterford Health Park, a primary care facility that caters for the Waterford City and region. The original building (former Presentation Convent) is a protected structure that was constructed in the mid-19th Century. It was designed by AWN Pugin, the Gothic architect largely credited for designing Big Ben and the Houses of Parliament at Westminster.
- 2.3. The site of the proposed development was formerly part of the Presentation Convent lands and it appears as if it was formerly in use as sports fields including a basketball court that was located at the northern end of the site. The site is currently undeveloped and not in any use and is characterised by a mixture of trees, grasses and low vegetation. The central part of the site is characterised by trenching for underground services and there is a formal garden area located at the far south east end of the site on lands that are zoned Community Facilities under the Waterford

County Development Plan. The boundary to Slievekeale Road is characterised by a granite wall of c.1.8 metres in height while that to Vincent White Road has a lower height stone wall.

- 2.4. There is a local bus service that connects the environs of the site with the city centre c.1.5 km away.
- 2.5. The stated area of the site is 1.47 ha.

3.0 Description of Proposed Development

- 3.1. The proposed development comprises a residential scheme with a total of 58 no. two and three storey residential buildings proposed to be constructed. Two storey development is proposed at the northern and north eastern end of the site where the site adjoins the Waterford Health Park site. The development is proposed to be for social housing.
- 3.2. Dwellings are proposed to be terraced and clustered around the southern and northern ends of the site with a central area of open space. The level of open space to be provided is stated to equate to c.17.5 percent of the total site area.
- 3.3. The stated residential mix is as follows:
 - 16 no. three bedroom two storey houses,
 - 22 no. one bedroom apartments (2 storey)
 - 20 no. two bedroom apartments (2 and 3 storey).
- 3.4. The development is proposed to be connected to the public water and wastewater systems. An existing foul sewer runs across the southern end of the site. On site surface water attenuation in an underground chamber under the central area of open space is proposed. An ESB sub station is proposed on site and underground surface water attenuation is proposed. Boundary treatments, site landscaping and all ancillary site development works including signage are proposed.
- 3.5. A surface water management plan has been prepared to manage surface water during the construction and operational phases of the development.

- 3.6. Vehicular access to the site is proposed to be from a point approximately in the middle of the western road frontage onto Vincent White Road. As part of the evolution of the design, it is stated on file that a left in and left out vehicular entrance is proposed. A traffic and transportation assessment is submitted and is on file. Pedestrian access to the Slievekeale Road is proposed in 3 no. locations.
- 3.7. A Tree Survey and Report prepared by landscape architects has been prepared and is on file. This identifies a total of 31 no. trees on site. Retention of trees in good condition is proposed as far as practicable with supplementary planting proposed where trees are to be lost.
- 3.8. The information submitted by the Planning Authority includes an Appropriate Assessment Screening Report and the site is not located within or adjacent to any European site.

4.0 Request for Direction and Submitted Documents

- 4.1. By letter dated 22nd June, 2018 T.E. Gill submitted a request for a determination by the Board as to whether an EIA should be required for the proposed development. The following is a summary of the main points raised in the submission received:
- That after reading the tree report, general proposal and visiting the site the proposal is objected to on the basis of '*being contrary to environmental guidance pertaining to EU, national and local policies*'.
- 4.2. By letter dated 28th June, 2018, the referrer was requested to submit further information in relation to the request. Specifically, the referrer was requested to submit the following:
- A statement indicating what class of development as set out at Schedule 5 of the Planning and Development Regulations the proposed development is considered to come within,
 - A statement indicating the reasons why it is considered that the proposed development would be likely to have significant effects on the environment and the nature of such effects.

4.3. In response to the above request by the Board, which was reissues in July, the referrer made a submission dated 10th August, 2018. The most significant points raised in this submission can be summarized as follows:

- That the proposal is a Part 8 development,
- That the arborist report indicates that there are 30+ trees on the site,
- That the site contains a wealth of flora and fauna. Unfortunately this is not reflected in the proposals for the site.
- That the proposal is in direct contravention of the environmental biodiversity of the zone. In order to meet EU requirements and directives the site should be used as a public amenity and not for social housing.
- That there are no other sites of such amenity value left in the city.
- That the UN Habitat III New Urban Agenda contains points which support the case made in this submission.
- That the proposed development is contrary to EU EIA Directives,
- That the proposed development is in contravention of the development plan, in particular Schedule 3 (trees of special amenity value) and the Draft Heritage Plan 2017-2023.

4.4. On foot of a request from the Board dated 28th June, 2018 the Planning Authority submitted the following documents in relation to the proposed development:

- Application drawings including services and landscape design drawing.
- Housing Section report prepared by Senior Engineer Housing Section Waterford City and County Council,
- Report of CEO Waterford City and County Council,
- Note issued to elected members Waterford City and County Council.

4.5. **Schedule 7A Information**

Schedule 7A of the Planning and Development Regulations, 2001 (as amended), relates to information to be provided for the screening of sub threshold development for the purposes of EIA. The requirement for the submission of this information in the case of requests to the Board for a determination under Art.120(3) of the Regulations arises on foot of revisions to Art. 120(3) introduced by the EU (Planning and Development) (Environmental Impact Assessment) Regulations, 2018 (SI No.296 of 2018). The changes to Art. 120(3) introduced by these regulations came into effect on 1st September, 2018. While the request for a determination on this case was submitted to the Board prior to the coming into effect of the revisions to Art. 120(3), and the requirement for the submission of the information prescribed in Schedule 7A, the assessment and determination of the case by the Board is subsequent to the changes to Art. 120(3). Having regard to a precautionary approach, and to the wording of the revised Art. 120(3)(ca) which states that ...'the Board shall, by notice in writing served on the local authority, require the authority to submit to the Board the information specified in Schedule 7A, and to the fact that the submitted information on file was not considered to meet the requirements of Schedule 7A, it was deemed necessary to request the submission of the information set out in Schedule 7A by the Planning Authority.

By letter dated 10th December, 2018 the Board requested the applicant to submit the information required under Schedule 7A and the following is a summary of the contents of the response received to this request as it relates to the requirements of Schedule 7A:

- A description of the physical characteristics of the proposed development including use, nature of structures, drainage and access is provided.
- The location of the site in terms of surrounding land uses, context, heritage, environmental receptors is provided.
- The ***Characteristics of the Proposed Development:***
 - That the site size is small and local in nature and comprises a brownfield site that is infill in character.
 - That the site is located within a built up urban location.

- That there are no extant planning permissions or significant development proposals in the vicinity.
 - Noted that that the site has been the subject of significant human intervention and modification including ground alteration and cable trenching.
 - Stated that the development will generate standard wastes in terms of foul and surface water runoff. Foul and surface water drainage connections are available.
 - No risks of major accidents arise. There are no hazardous activities that would pose a significant risk to habitats or human health.
- Under the heading of ***Location of Proposed Development*** the following are noted:
 - That the site is brownfield in nature and is identified as a 'developed residential site' in the development plan.
 - That there has been significant human intervention on the site,
 - That the existing mature trees on the site have been surveyed and a plan of management is proposed.
 - An ecological impact assessment undertaken did not record any habitats or flora of particular significance.
 - Trees on site have a low suitability for bat roosts.
 - The site is not located within or adjacent to any wetlands or watercourses,
 - The closest river is St Johns River c.600 metres to the south east. The coast is c.2km away and no coastal zones or habitats are impacted by the proposed development.
 - There are no nature reserves or parks in close proximity. There are no nationally designated sites located within 15km of the site.
 - The site is not located within any European site. The closest site is the River Suir SAC (002137) which is c.1.3km north east of the site.

- The development is not considered likely to result in the exceedance of any environmental quality standard (EQS) and impacts will be minimised by the use of best practices in construction and design.
- That the site is located on residentially zoned lands as identified in a plan for an urban area that is identified for population growth.
- There are no protected structures on the site and the conservation officer of the council does not consider that the stone boundary wall to the site is within the curtilage of the adjoining convent buildings which is included on the RPS.
- That no sites of archaeological significance were identified in the desk top assessment of archaeological features or testing undertaken. The site is not within any archaeological zone.
- ***Characteristics of Potential Impacts***
 - There are no trans frontier impacts arising.
 - The development will have a positive impact on meeting housing need and population and human health. There will be some short term negative impacts during construction relating to noise, traffic and dust.
 - There are no likely negative impacts on biodiversity given the existing nature of the site that does not support featured habitats or listed species. Any trees with potential (maximum low potential) as bat roosts will be retained. The site is not located in or adjacent to any European site and a screening for appropriate assessment shows that there will be no significant impact on any European sites.
 - There will be negligible impacts on lands and soils.
 - There are no surface water features on the site. There is a low risk to water quality during the construction period.
 - Air emissions, noise and vibration during construction will be minimised by best practice techniques and equipment. Traffic emissions will not be significantly increased.

- There will be a localised landscape and visual impact during from the development with the removal of some trees but long term benefit from new planting.
- There would be potential impacts on local residential properties during construction that would come under the heading of material assets.
- There would be potential interactions between environmental topics including water and ecology and ecology and landscape. No significant impacts arising from interactions are anticipated given best practice construction methods.
- Impacts associated with the works phase will be temporary and significant environmental impacts will be avoided by best practice construction measures.

5.0 Planning Policy

5.1. General Context

- 5.1.1. The site is located within the area covered by the *Waterford City Development Plan, 2013-2019*. The site is zoned Residential with an objective, '*to protect, provide and improve residential areas and their amenities*'. There is a small section of the site at the south east corner that is zoned 'Community Facilities'.
- 5.1.2. The site is located on lands that were formerly part of the Presentation Convent lands. The former convent building is located to the east and is a protected structure.
- 5.1.3. There are no sites of archaeological significance located on the lands and the closest identified archaeological site is located c.700 metres to the north west. The site is not located within or close to any Zone of Archaeological Potential.
- 5.1.4. The site is not indicated on the Residential Phasing map contained at Appendix 2 of the plan.
- 5.1.5. There is a specific local objective stating that there are trees of amenity value on the site.

6.0 Planning History

There are a number of planning applications referenced in the application documentation (Part 8) submitted by the Planning Authority. These relate to applications on the adjoining school lands, an application for a youth club building and signage. There is also an extant permission for works to the adjacent GAA grounds which would result in an increase in capacity of c.4,000 persons. None of the applications cited relate to the site which is the subject of this determination.

7.0 Assessment

7.1. The following issues are considered relevant in the assessment of the requirement for the submission of an EIS in this case:

- Assessment of Project Types under Schedule 5 of the Regulations Relevant to the Proposed Development;
- Relevant Threshold under Part II of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended);
- Assessment under Criteria as set out in Seventh Schedule of the Planning and Development Regulations, 2001 (as amended) / Annex III of the EIA Directive 2014/52/EU.

7.2. Relevant Project Types / Class

7.2.1. I note the fact that the referrer was requested on two occasions by the Board to submit details of the class or classes of development within which the proposed development fell. The responses to these submissions do not indicate a specific class of development and the referral could be deemed to be invalid on this basis.

7.2.2. The nature of the proposed development is, however such that it is, in my opinion, clear what the project type is and which class of development it falls. The referrer has also raised some general areas of concern relevant to the potential impact of the proposed development on the environment. These concerns relate primarily to loss of amenity, visual impact and impact on ecology and heritage. It is therefore proposed to proceed with the assessment.

7.2.3. The project type is infrastructure development comprising the construction of dwelling units and also urban development given the location of the site within a developed area and on zoned lands within an identified development boundary as set out in the Waterford City Development Plan. The relevant classes of development applicable to the proposed project which is the subject of this referral are as follows:

- Class 10(b)(i) of Part II of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). (Construction of dwelling units).
- Class 10(b)(iv) of Part II of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). (Urban development).

7.2.4. It is therefore my opinion that the proposed project involves development that is of a class for the purposes of Environmental Impact Assessment.

7.3. Relevant Threshold under Class 10(b)(i) of Part II of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended).

7.3.1. The threshold cited in the regulations is the '*construction of more than 500 dwellings*'. The proposed development involves the construction of 58 no. residential units comprising a mixture of houses and apartment units. The proposed development is therefore listed in Class II of the Fifth Schedule and is of a class but sub threshold for the purposes of mandatory EIA comprising fewer than 500 dwellings. An assessment as to whether the project should be the subject of EIA having regard to the criteria referred to at Art.4(3) and set out in Annex III of the Directive is provided at Section 7.5 of this report below.

7.4. Relevant Threshold under Class 10(b)(iv) of Part II of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended).

7.4.1. The threshold cited in the regulations is the '*urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere*'. The proposed development involves the construction of 58 no. residential units comprising a

mixture of houses and apartment units on a site that is located on zoned lands within the boundary of an identified settlement which is covered by the *Waterford City Development Plan, 2013-2019*. The environs of the subject site comprise a built up urban area, however the out of centre location is such that it does not, in my opinion comprise a business district. The stated area of the subject site is 1.47 ha.

7.4.2. The proposed development is therefore listed in Class II of the Fifth Schedule and is of a class but sub threshold for the purposes of mandatory EIA having an area of less than the 10 hectare threshold applicable in a built up area. An assessment as to whether the project should be the subject of EIA having regard to the criteria referred to at Art.4(3) and set out in Annex III of the Directive is provided at Section 7.5 of this report below.

7.5. Assessment under Criteria as set out in Seventh Schedule of Regulations / Annex III of the EIA Directive.

7.5.1. It is noted that the headings as set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) are generally consistent with those given at Annex III of the 2014 EIA Directive (2014/52/EU). The one noted difference is that under the heading of The Characteristics of the Proposed Development there is reference to '*the nature of any associated demolition works*'. The following sections assess the proposed development against the criteria listed in the Directive and Planning and Development Regulations under the following general headings:

- Characteristics of proposed development
- Location of proposed development, and
- Characteristics of potential impact.

7.5.2. Characteristics of Proposed Development

Size and Design of Proposed Development

7.5.2.1 The proposed development comprises a development of 58 no. residential units on a site of just under 1.5 ha. In terms of both the number of units and size of site the proposed development is not of a particularly large scale and is very significantly below the thresholds set down in Part II of the Fifth Schedule of the Regulations. The

development essentially comprises an infill residential development within an established urban area. There is no aspect of the proposed design or layout that is considered to be particularly unusual or which would be at significant variance with the suburban location and established suburban context of the site.

Cumulation with Other Projects

7.5.2.2 The site location and planning history of the site and environs is such that there are no other permitted or proposed developments that would have a significant cumulative impact when taken in conjunction with the proposed development. There is an extant permission for the redevelopment of the adjacent Walsh Park GAA grounds increasing the capacity from c.11,500 to c.15,500, however I do not consider that this would have a significant impact when taken in conjunction with the proposed residential development on the subject site. There is existing residential development located to the west of the site, however it is separated from the subject site by Vincent White Road. Some cumulative impacts in terms of traffic, visual impact and loss of open space / amenity would likely arise however these impacts are considered to be low or negligible and are not considered such as to justify the need for EIA.

Use of Natural Resources / Waste / Pollution / Nuisances / Accident Risk and Impact on Human Health

7.5.2.3 The nature of the proposed use and the scale of development is such that its development would not result in a significant use of natural resources. Waste, pollution and nuisance generated by the development would be limited by virtue of the proposed residential use and limited scale and the development is proposed to be connected to the public water and waste water systems. Similarly, the nature and scale of the development is not such that it would lead to a likely creation of an accident risk or have an adverse impact on human health.

7.5.2.4 Surface water is proposed to be attenuated on site and construction activities would be undertaken subject to best construction practices and subject to the requirements of a construction and environmental management plan.

7.5.2.5 The overall environmental impact under these headings is therefore considered to be low.

7.5.3. Location of Project

Existing and Approved Land Use

7.5.3.1 The existing use of the site is vacant lands which are currently overgrown and not accessible or laid out for recreational use. The site is not a public amenity and the character of the site is brownfield rather than greenfield. The lands in their current form do have some visual amenity value and there are some mature trees on the site that contribute to this visual amenity. I note the fact that the proposed development includes a significant area of centrally located public open space and that in areas where existing trees are lost a tree planting programme with a replacement ratio of 2:1 is proposed. Detailed landscape proposals have been submitted and include measures for the protection of existing trees during construction. Overall, I do not consider that what is proposed would have a significant adverse impact in terms of land use.

Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources

7.5.3.2 The site in its current form is a resource in the sense that it is a green area within the urban area that is a potential habitat for flora and fauna and which provides a visual break within the urban environment. The site is one of a limited number of such vacant sites within the urban area of Waterford City which is not in active recreational or amenity use. It is noted that the site is not identified as a European site.

7.5.3.3 The nature of the proposed development is such that the natural resources used in its development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site for residential purposes.

7.5.3.4 Overall, while the development would result in the loss of an undeveloped site that has a nature and visual amenity benefit for the area, the site comprises zoned residential lands within an urban area where there is an onus on the council to ensure development in a sustainable manner. Detailed proposals for the landscaping of the site have been submitted, existing trees have been surveyed and a programme of replacement planting and tree retention set out.

The Absorption Capacity of the Natural Environment

- 7.5.3.5 While the site is undeveloped, it is located within an urban area and is surrounded on all sides by urban development. The nature of the proposed residential use is such that it is consistent with surrounding land uses and the scale and design of development proposed is also considered to be compatible with the existing environs of the site.
- 7.5.3.6 There are no features of significance in terms of wetlands, nature reserves, parks or areas protected under national or European legislation (Habitats Directive) that could be impacted by the proposed development. As set out above, the site does currently have a beneficial ecological use, however there is no indication that the site is a habitat for any protected or rare species. The site has been the subject of a screening for appropriate assessment and this concludes that the proposed development is not likely to have a significant impact on any European site.
- 9.5.3.7 The site does have a positive visual amenity impact. It is also a visual buffer to the former convent building located to the east which is a protected structure. This building and the associated lands including the subject site, have a historical and cultural significance in the local area. The proposed development has been designed to have regard to the proximity to the adjoining protected structure to the east and the overall layout, scale of development in the vicinity of the former convent site and proposals for boundary treatment have all been designed to mitigate the potential impact on the character and setting of the former convent building. The central area of amenity space and the design and layout of buildings has been undertaken to maximise views through the site from Vincent White Road in the direction of the former convent building. The overall impact on the character and setting of the protected structure is considered to be low to moderate.
- 9.5.3.8 The location of the site, and specifically its proximity to and historical connection with the former convent lands, is such that the site may be of archaeological significance. I note however the report on file from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht which notes the results of archaeological investigations undertaken. These investigations included trial trenches and did not find any items of significance and the assessment concludes that the proposed development could proceed without further archaeological

investigations. The site is not located within any identified zone of archaeological significance. The likely impact of the development on archaeology is therefore considered to be negligible to low.

7.5.4. Type and Characteristics of the Potential Impact

Nature, Magnitude and Extent of the Impact

- 7.5.4.1 From the assessment above, it is my opinion that the extent of the impact in terms of geographical area impacted and the size of the **population** potentially impacted is limited. During construction, there will be some impacts arising on local populations and environments arising from construction traffic, noise and dust. These impacts will however be short term and will be mitigated by good construction practices.
- 7.5.4.2 The development would have a localised **visual impact** and some local impacts on traffic, however there will be limited potential adverse impacts on the wider environment. There would be a local impact on ecology and loss of habitat, however there is no indication that the habitats to be lost are of particular significance or importance. The site is not the subject of any ecological designations. Replacement tree and boundary planting, together with site landscaping is proposed.
- 7.5.4.3 The ecological impact assessment undertaken concludes that there will be no likely negative impacts on biodiversity given that there are no featured habitats or listed species on site. Tree retention as far as practicable is proposed and the limited number of trees that have an identified low potential for bat roosts are to be retained.
- 7.5.4.4 The nature of the site and the development is such that the impact on land and soils is likely to be negligible and given the lack of drainage features on or in close proximity to the site and the nature of the development, the development is considered not to give rise to a significant risk to **water quality**. Under the headings of **air and climate**, and **noise and vibration**, there is the potential for impacts during the construction phase however given the nature and scale of the proposed development, it is considered that subject to construction mitigation and the use of good construction practices, environmental impacts under these headings will not be significant. Given these limited impacts, and the design and layout of the proposed development and relationship to surrounding properties and lands, it is not

considered that the proposed development would have a significant negative impact in terms of **material assets**.

7.5.4.5 As set out above, the development proposes the retention of a significant number of the existing trees as well as replacement planting. The existing visual quality of the site is limited and it is considered that the proposed development would have an overall limited negative effect on **landscape** quality and visual amenity.

7.5.4.6 Under the heading of **cultural heritage** potential impact on protected structures and archaeology arise. As previously outlined in this report, the relationship of the appeal site to the protected structure located to the east (Health Park located in the former convent building) is such that the site has effectively been physically and visually separated from the protected structure. The development of the site for residential use is not considered to be such as to likely have a significant negative impact on the character or setting of this adjacent protected structure. Similarly, as previously outlined, there are no recorded archaeological features or monuments on the site and archaeological testing has not identified any features on site. The site has also been extensively modified over the years including the altering of levels. The potential for significant archaeological features to be impacted by the proposed development is therefore considered to be low.

7.5.4.7 There are a number of potential interactions between environmental factors that arise, notably between water and ecology and population and human health and air and climate and noise and vibration. Subject to best practice mitigation measures during the construction phase significant interactions are not considered likely or such as would give rise to likely significant additional environmental impacts.

Probability, Intensity and Complexity of Impacts

7.5.4.8 The nature of the development is such that the existing habitat will be substantially lost or modified. The predicted impacts are therefore considered likely. As set out above, the nature of the environmental impacts are not particularly complex or intense.

Duration, Frequency and Reversability

- 7.5.4.9 The nature of the proposed development, with the development of an existing undeveloped site for residential use, is that the predicted impacts will be long term, ongoing and not readily reversible. These characteristics have, however to be seen in the context of the limited scope and extent of environmental impacts predicted.

Trans frontier Nature of the Impact

- 7.5.4.10 There would not be any trans frontier impacts arising on foot of the proposed development.

8.0 RECOMMENDATION

- 8.1. Having regard to my assessment above, I consider that the proposed development of 58 no. residential units and all associated site development works would not be likely to have significant effects on the environment. I, therefore, recommend that the Board does not direct the local authority to prepare an environmental impact assessment report in respect of the development the subject of this report based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to:

- (a) the nature and scale of the proposed development, which is significantly sub threshold in respect of Class 10(b)(i) (Infrastructure – Dwelling Units) and Class 10(b)(iv) (Infrastructure – Urban Development) of the *Planning and Development Regulations, 2001* (as amended),
- (b) the location of the site on lands that are zoned for residential use under the provisions of the Waterford City Development Plan, 2013-2019 and the results of the strategic environmental assessment of this plan undertaken in accordance with the requirements of the SEA Directive.

- (c) the location of the site in an established residential area served by public infrastructure and the existing pattern of development in the vicinity,
- (d) the location of the site outside of any sensitive location specified in article 109(4)(a) of *the Planning and Development Regulations, 2001* and the absence of any relevant connectivity to any sensitive location,
- (e) the separation distance between the site and the adjoining protected structure to the east and the design response to this structure,
- (f) the proposed retention of a significant number of existing trees on site and the detailed landscaping proposals for the site including replacement tree planting,
- (g) the submissions made including that of Waterford City and County Council and to the Architectural Impact Assessment submitted,
- (h) the guidance set out the '*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*' issued by the Department of the Environment, Heritage and Local Government,
- (i) to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (j) to the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

Stephen Kay
Planning Inspector

16th January, 2018

