

**An
Bord
Pleanála**

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
302493-18**

Strategic Housing Development

Location Knockboy, Waterford, Co. Waterford

Planning Authority Waterford City and County Council

Prospective Applicant Jackie Greene Construction Ltd

Date of Consultation Meeting 12th October 2018

Date of Site Inspection 4th October 2018

Inspector L. Dockery

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1 The subject site, which has a stated area of approximately 9.1 hectares is located approximately 5km south-east of Waterford city centre. It is located within the village of Knockboy. Public lighting and footpaths are evident along Knockboy Road. The site is roughly rectangular in shape and is currently under grass. The ground levels rise by approximately 22 metres from Knockboy Road in a north-easterly direction. The site area, as outlined in red, also includes for a narrow strip along Knockboy Road, comprising approximately 0.17 hectares, which is within the control of Waterford City and County Council. Infrastructural works are proposed within this area. Mature coniferous trees define the southern boundary of the site. St. Mary's cemetery and mass path are located to the south of the site, agricultural lands are located to the located and one-off residential properties to the north.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for construction of 318 residential units, infrastructural works, foul and surface water drainage and ancillary site works. The works are to be completed over four phases.

3.2 The following details are noted:

Parameter	Site Proposal
Application Site	9.1 ha
Development Area	8.9 ha
No. of Units	318
Other Uses	Associated site works
Car Parking	593
Bicycle Parking	Unspecified
Plot Ratio	4.71
Vehicular Access	Access from St. Mary's Place
Density	35.7 units/ha
Open Space	1.54 ha

3.3 The breakdown of the 318 units are as follows:

	1 bed	2 bed	3 bed	4 bed	Total
Dwellings	-	-	137	33	170
Apartments	24	24	-	-	48
Maisonettes	-	50	50	-	100
Total	24	74	187	33	318

4.0 National and Local Planning Policy

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities
- Design Manual for Urban Roads and Street
- Childcare Facilities-Guidelines for Planning Authorities
- Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices')
- Urban Development and Building Heights, Guidelines for Planning Authorities Consultation Draft August 2018

Other documents of note are:

- Framework and Principles for the Protection of the Archaeological Heritage

4.2 Local

The Waterford City Development Plan 2013 is the operative Development Plan.

The site is located on lands zoned 'Undeveloped Residential, Phase 2'. A small portion of the eastern corner of the site is zoned for 'Open Space'.

Section 2.2.3 relates to Proposed Housing Land Provision & Phasing and states:

'All applications for multiple residential development on Phase 2 lands, including applications for extension of duration of permission will be required to be accompanied by a core strategy justification statement which shall demonstrate the following:

- Demonstrate how the development is consistent with the Development Plan Core Strategy
- Demonstrate demand for the proposed development based on an assessment of existing housing vacancy, unfinished estates and volume of unit types in the area.
- The provision of water services infrastructure to serve the development.
- The provision of transport infrastructure in the area, and how the proposed development will contribute across all modes (vehicular, rail, cycle and pedestrian linkages)
- The capacity of services in the area to cater for the proposed development, including childcare, schools, other community services, open space, retail and commercial services.
- The contribution of the proposed development to the achievement of Development Plan objectives specific to the area.
- In the case of applications for extensions of duration, an assessment of how the development is compliant with the DOECLG Guidelines on Sustainable Residential Development in Urban Areas, and (where appropriate) the Guidelines on Sustainable Urban Housing, Design Standards for New Apartments'.

Phase 2 Development Objective:

The following objective will apply on all land identified on the Zoning Map as Phase 2: The Council will only permit development on Phase 2 lands where the Core Strategy justification statement demonstrates that the proposed development is consistent with the Core Strategy, having regard to all of the criteria outlined above.

Section 7.3 of the Development Plan relates to Neighbourhoods, and includes the following in relation to the subject site:

7.3.5 Dunmore Road / Knockboy / Blenheim

A Local Area Plan for the Knockboy area was made in 2003. The Plan set out a design framework for the village and contained a number of objectives to provide for a sustainable neighbourhood/village structure. Road improvements have been carried out at the Knockboy junction, and the Knockboy road improvement scheme has been continued from St. Mary's Church to St. Mary's National School. The Williamstown road has been realigned. It is an objective to ensure that the design and layout of new development provides for ease of movement and facilitates pedestrian and cycle access, and the use of public transport. It is also an objective of this Plan to facilitate the creation of a village green, incorporating a public open space within the neighbourhood on a site zoned for open space adjacent to the Gaelscoil and to protect the view of the River Suir from the Knockboy Road from obstruction and inappropriate intrusion by new development.

The neighbourhood is linear in form and thus it is an objective to strengthen the neighbourhood by developing nodal points such as a neighbourhood centre, a village green and a focal point for community facilities. Lands zoned for general business adjacent to St. Mary's Scout Hall will continue to be zoned for such uses providing for local retail / commercial services / public services and facilities as appropriate. It is proposed to consolidate the neighbourhood centre by continuing to zone a limited area of land north and east of St. Mary's cemetery for residential development and open space and the lands adjoining St. Mary's National School leading to the Williamstown Road junction for residential purposes. Access to the lands adjoining the cemetery will be from the Knockboy Road and developers will be required to provide for such access in a coordinated manner.

The following policies are relevant:

- To ensure that the growth of the city takes place in an orderly manner that is sustainable in terms of integrated land use, transportation and provision of infrastructure. (POL 7.2.1).
- To implement the Neighbourhood Strategy in order to provide for the development of sustainable neighbourhoods, focused on neighbourhood/district centres with a mix of uses, densities, community facilities and neighbourhood centre uses. (POL 7.2.2).

- To retain, protect and improve the environmental qualities of the existing suburban areas; to reinforce their neighbourhood/district centres and to provide for additional community youth and public services, amenities and facilities as identified in this Plan. (POL 7.2.3)

5.0 Planning History

Subject Site:

PL93.248547

Application for 285 residential units- REFUSED permission in Dec 2017 by ABP for four reasons

1. Sequential approach to development- absence of satisfactory evidence that all or majority of Phase 1 lands not available for development
2. Scale, density and nature of proposal (density 30.1 unit/ha; 3 and 4 bed semi/detached)
3. Uncertainties regarding adequacy of sewerage and surface water drainage proposals/absence of NIS- effects on Lower River Suir SAC
4. Inadequate private open space provision for a number of properties

Nearby Sites

PL93.248811

Application for 117 units at Knockboy, Waterford- REFUSED permission in March 2018 for two reasons

1. Lack of permeability; poor quality layout and design; conflict with DMURS
2. Uncertainties regarding adequacy of sewerage proposals/absence of NIS- effects on Lower River Suir SAC

PL93.245483

Application for change of house type, previously permitted under PL31.216423- REFUSED permission in March 2016 for one reason relating to inadequate housing density that would give rise to inefficient use of zoned land

6.0 Section 247 Consultation(s) with Planning Authority

6.1 The planning authority states that two pre-application consultations took place with them on 18/04/2018 and 24/06/2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 318 residential units. The proposed development, as assessed for the CoF, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

Therefore, based upon the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

Department of Culture, Heritage and the Gaeltacht- Archaeological Heritage

Archaeological monuments identified in the area include Recorded Monuments WA018-012 16th/17th century house and WA018-003 fulacht fia, which are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994.

The applicant has concluded in the Environmental Report that there will be no impact on archaeological remains as there are no Recorded Monuments identified within the confines of the proposed development site. However, taking into consideration the location of the proposed development within the River Suir valley, the scale and nature of the proposed development within the landscape and the potential for previously unidentified archaeological remains to survive below ground, it is

recommended that an archaeological impact assessment be prepared and submitted with any future application for development at this site.

It is the opinion of the National Monuments Service that an Archaeological Impact Assessment, with specified conditions be compiled and submitted to ABP with any future application to ensure the preservation and protection of the archaeological heritage.

8.0 Forming of Opinion

8.0.1 Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

8.0.1 Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, cover letter, SHD Application Form for Section 5 Consultation, Appendix 1 Schedule of Accommodation, letter of consent from landowner, Statement of Consistency, Core Strategy- Justification Document, Engineering Planning Report, NIS, SWO Discharge Assessment, Irish Water CoF correspondence, Part V agreement, Environmental Report, 3D Views, drawings, outline CEMP.

8.0.2 In addition, section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

8.0.3 I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.1 Planning Authority Submission

8.1.1 The planning authority for the area in which the proposed development is located, Waterford City and County Council, submitted the minutes of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. The Opinion was received by An Bord Pleanála on October 8th 2018 while the minutes of their section 247 consultations were received on October 10th 2018. Both were received outside of the statutory timeframes.

8.1.2 Waterford City and County Council's 'opinion' included the following matters: development proposal, site description, zoning, planning history; core strategy justification, density, unit mix, development management standards, open space, Part V, childcare facility, natura impact assessment, servicing and roads.

The following is noted:

- Pertinent that Phase 2 lands are considered for development in order to deliver the immediate requirement of 700-800 dwellings as identified by the Housing Agency in Feb 2017
- Density is considered acceptable, given the topographical constraints of the site and its outer suburban location
- General layout is considered acceptable- may be some overlooking of private amenity space
- NW area of site would benefit from additional screening
- Proposed unit mix is considered acceptable
- Details of site boundaries to be given particular attention
- A Part V agreement has been submitted and agreed with the Housing Section WCC
- Justification for non-provision of childcare facility
- NIS concludes as a result of the Stage 2- Appropriate Assessment that significant effects on the qualifying interests of this Natura 2000 site are not expected based on the results presented in the NIS
- Irish Water has established that there is adequate capacity in the existing wastewater infrastructure to accept additional load generated by the proposed development, subject to a valid connection agreement

- No issues raised in relation to stormwater proposals
- Proposal provides for the construction of a surface water outfall which will serve the development
- No objection in terms of road proposals- updated TIA was prepared

8.1.3 The report concludes by stating that the proposed development is considered to be generally consistent with the Waterford City Development Plan 2013-2019. The planning authority acknowledges the potential; for a quality development in accordance with the proper planning and sustainable development on these residentially zoned lands and is satisfied that the development would satisfy the core strategy justification statement as outlined in the Waterford City Development Plan 2013.

8.1.4 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.2 Consultation Meeting

8.2.1 A Section 5 Consultation meeting took place at the offices of Waterford City and County Council on the 12th day of October 2018, commencing at 10.30am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.2.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Core Strategy and release of Phase 2 Order of Priority lands
2. Development strategy to include density, layout in the context of DMURS, open space, connectivity, crèche provision
3. Foul and Surface Water drainage, including flood risk assessment
4. Appropriate Assessment
5. Archaeology
6. Any other matters

- i. In relation to Core Strategy and release of Phase 2 Order of Priority lands, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the zoning of the site for Phase 2 residential development, having regard to the quantum of Phase 1 zoned lands which have not yet been developed; submission of Core Strategy Justification Statement at application stage
- ii. In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:
- Density proposed in the context in the context of the Sustainable Residential Development Guidelines
 - Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, given the location of the site in the overall context of Knockboy village and Waterford city with its built-up areas; creation of an urban edge along public road; creation of a development which appropriately addresses site contours
 - Connectivity achievable in the surrounding area and in particular to Ardkeen, to nearby shops and services, to existing public transport links and to adjoining zoned lands
 - Open space provision and the desire to ensure that it is functional and usable, passively supervised with good pedestrian and cycle linkages; interface between public/private and communal open space areas; landscaping; waste management
 - Crèche provision
- iii. In relation to foul and surface water drainage, including flood risk assessment, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:
- Clarification that proposed drainage arrangements are acceptable in light of issues raised in previous refusal on this site (PL93.248547) and on lands in vicinity in relation to uncertainties regarding adequacy of sewerage and surface water drainage and the in-combination effects of sewage overflows

from this and other residential developments in the area on Lower River Suir Area of Conservation

- site specific flood risk assessment having regard to location of site within 1km of Lower River Suir SAC; site contours and previous site history

iv. In relation to Appropriate Assessment, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Clarification that proposal is acceptable in light of issues raised in previous reason for refusal on this site (PL93.248547) and on lands in vicinity with regards uncertainties regarding adequacy of sewerage and surface water drainage; in-combination effects and proximity of proposed development to Lower River Suir SAC;
- Appropriate Assessment and preparation/content of NIS to be undertaken as per guidance contained within Department of Environment, Heritage and Local Government 'Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities'- also advised to have reference to content of previous Inspector reports and ABP decisions in this regard on both subject site and lands in vicinity
- Clarification as to whether there are bats on site and whether bat survey undertaken

v. In relation to Archaeology, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Discussion on report from Department of Culture, Heritage and the Gaeltacht in relation to submission of Archaeological Impact Assessment

vi. In relation to other matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following

- Clarification in relation to materials/finishes, areas to be taken in charge, landscaping/boundary treatments, submission of CGIS/visualisations, Part V, ecological survey, school places likely to be generated by proposal, Childcare Demand Report, waste management and implications of new EIA Regulations.

8.2.3 The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 302493' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.3 Conclusion

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage, details of which are set out in the Recommended Opinion below.

Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Residential Phase 2 Lands

1. Further consideration of the documents as they relate to the zoning of the site for Phase 2 residential development. This consideration, including a justification for any application for development, should have regard to, inter alia, the Waterford City Development Plan 2013 – 2019 as it relates to the phasing of residential development and, in particular, the quantum and location of Phase 1 lands within the above mentioned plan area which remain undeveloped. This consideration and justification should also have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as it relates to the sequential approach and phasing.

2. Design, Layout and Unit Mix

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; the creation of a defined urban edge connectivity with adjoining zoned lands; levels; provision of quality, usable open space and the creation of character areas within a high quality scheme should be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Sewerage and Surface Water Drainage/Appropriate Assessment

Further consideration/justification of the documents as they relate to the previously identified uncertainties regarding the adequacy of the sewerage and surface water drainage proposals for the development and the in-combination effects of sewage overflows from this and other developments in the area on the Lower River Suir Special Area of Conservation (Site Code 002137). Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A Site Specific Flood Risk Assessment that demonstrates the proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices')
2. Additional photomontages and appropriately scaled site cross-sections at appropriate intervals which illustrate the topography of the site and which show proposed and existing residential units and their interactions with landscape elements. Attention should be drawn to the impact of retaining walls and road profiles. Site sections should be clearly labelled and identified on a layout 'key' plan.
3. Ecological Survey of existing trees and hedgerows which clearly identifies all trees proposed for removal
4. Archaeological Impact Assessment
5. Details of the proposed open space within the site clearly delineating public, communal and private spaces and the interface between these areas; the usability of active open space and proposals for passive open space in the context of landscaping proposals
6. Waste management details

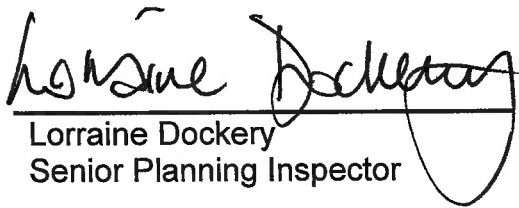
7. Details of pedestrian and cycle facilities connecting the proposed development with nearby centres, existing transport services and existing amenities and facilities.
8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority
9. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
10. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
11. A Childcare Demand Report outlining anticipated demand likely to be generated by the proposal and the capacity of existing childcare facilities in the vicinity to cater for such demand.
12. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Department of Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. Inland Fisheries Ireland
5. Irish Water
6. Transport Infrastructure Ireland
7. Waterford Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

 23/10/18.

Lorraine Dockery
Senior Planning Inspector

23rd October 2018