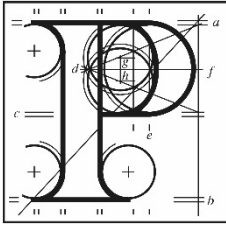


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An  
Bord  
Pleanála

## **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report ABP-304423-19**

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<b>Strategic Housing Development</b>	361 no. residential units (207 no. houses and 154 no. apartments), crèche and associated site works.
<b>Location</b>	Knockboy, Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Applicant</b>	Jackie Greene Construction Ltd.
<b>Prescribed Bodies</b>	TII; Irish Water; Department of Culture Heritage and the Gaeltacht
<b>Observer(s)</b>	See Appendix 1

**Date of Site Inspection**

21<sup>st</sup> July 2019

**Inspector**

Una O'Neill

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was received by the Board on the 13<sup>th</sup> May 2019 from Jackie Greene Construction Ltd.

## 2.0 Site Location and Description

- 2.1. The subject site is located situated in the south eastern suburbs of Waterford City, in the area of Knockboy, 5km from the city centre. Knockboy Road/St. Mary's Place (also referred to in the application as Ballygunner Hill) forms the western boundary of the site, and is a linear street, which comprises a church, scouts den, primary school and a number of suburban housing developments as well as individual dwellings. The Knockboy Road takes its access off the Dunmore Road situated to the north and connects into the Williamstown Road to the south. Both the Dunmore Road and Williamstown Road connect to Waterford City Centre.
- 2.2. The application site, which has a stated area of 9 ha, is currently in agricultural use, with an established agricultural field entrance onto Knockboy Road in the south-west corner of the appeal site. The site is bounded to the south by St. Mary's Church and Ballygunner Cemetery and to the southeast by the associated mass path/access road. The mass path is newly surfaced with a footpath and as one travels east beyond the cemetery, the road becomes a very narrow rural road, poorly surfaced serving a handful of rural dwellings. To the north of the site is a small cul-de-sac comprising a mix of bungalows and four large suburban houses on individual sites with the eastern end adjoining the site elevated with significant views over the River Suir. To the east are agricultural fields and to the west are two bungalows facing onto the Knockboy Road opposite the site, a scouts den and an access to a large suburban housing estate.
- 2.3. The Knockboy Road rises steadily from its junction with the Dunmore Road and the appeal site is elevated with significant views overlooking the city and the River Suir Estuary to the north. The site rises steeply from the western boundary with Knockboy Road up to a level hilltop to the east. The gradient of the site generally falls from south to north, varying from a high of approx. 52mAOD at the south eastern

boundary to a low of approx. 28mAOD at the north western boundary. The site includes a narrow strip of approx. 0.17 ha along the Knockboy Road, within which infrastructural works are proposed.

- 2.4. There are two overhead power / utility lines that traverse the site. Firstly, at the eastern end of the site and running in a south / north direction. A second power line runs along the southern boundary of the site, adjoining the cemetery and runs in a west / east direction and eventually in a south to north direction.
- 2.5. The boundary along the southwestern perimeter of the site, adjoining the cemetery, comprises of mature evergreen trees, with the remainder of the site boundaries comprise mature hedgerows, typical of agricultural fields.

### 3.0 Proposed Strategic Housing Development

- 3.1. The development provides for the construction of 361 residential units and a crèche, with vehicular/pedestrian access off Ballygunner Hill/St. Mary's Place.
- 3.2. The following tables set out some of the key elements of the proposed scheme as set out in the documentation submitted with the application:

**Table 1: Key Figures**

<b>Site Area</b>	9.1 ha gross / 7.56ha net
<b>No. of Residential Units</b>	<u>361 residential units:</u> 207 houses 154 apartments
<b>Crèche</b>	574 sqm (c. 100 childspaces)
<b>Density</b>	47.6 units/hectare net
<b>Site Coverage</b>	29.49%
<b>Public Open Space</b>	16.45% of the site area, including the zoned open space of 0.687 ha.
<b>Height</b>	Blocks 1 and 3 adjoining Knockboy Road - 3- 4 storeys due to level difference (10.7m- 13.94m high), 11 apts per block. Block 2, adjoining Knockboy Road – 3- 4

	<p>storeys due to level difference (10.7m-13.78m high); 22 apts.</p> <p>Blocks 4; 4 storeys (13.3m); 10 apts.</p> <p>Block 5-7; 4 storeys (13.3m); 20 apts per block.</p> <p>Block 8; 4 storeys (13.3m); 20 apts.</p> <p>Block 9; 4 storeys (13.3m); 20 apts.</p>
<b>Part V</b>	<p>36 units:</p> <p>12 apartments; house units 237-252 and 274-281</p>

**Table 2: Unit Mix**

	1 bed	2 bed	3 bed	4 bed	Total
<b>Houses</b>		13	116	78	207
<b>Apartments</b>	53	90	11		154
					361
<b>As % of Total</b>	14.6%	28.5%	35%	21.6%	100%

**Table 3: Parking Provision**

<b>Car Parking</b>	<p>638 parking spaces:</p> <p>2 spaces per dwelling.</p> <p>1 per apartment and 1 visitor space per 4 apartments.</p> <p>31 spaces for the Crèche</p>
<b>Bicycle Parking</b>	<p>390 bicycle spaces:</p> <p>1 per bedroom relating to the apartments and visitor cycle spaces of 1 for every 2 apartments.</p>

- 3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer.
- 3.4. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:
- EIAR
  - NIS
  - Planning Statement
  - Core Strategy Justification Report and Appendix
  - Schedule of Accommodation
  - Statement of Response to Opinion Issues to ABP
  - Statement of Consistency
  - Statement of Compliance with Universal Design
  - Building Lifecycle Report
  - Visual Impact Assessment
  - Part V Documentation
  - Arboricultural Impact Assessment and Tree Root Protection Plan
  - Hedgerow and Tree Survey
  - Landscape Report
  - Daylight Sunlight and Overshadowing Survey
  - Photomontages/3D Illustrations
  - Outline Construction and Environmental Management Plan
  - Outline Construction and Demolition Waste Management Plan
  - Outline Mobility Management Plan
  - Engineering Planning Report
  - Assessment of SWO discharge to Lower Suir Estuary
  - Ground Investigation Report

- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Road Safety Audit

## 4.0 Planning History

### Application Site:

PL93.248547 (pa ref 16/833) – Permission REFUSED (December 2017) for 285 residential units (60 apartments and 208 houses) for the following reasons:

1. The site is located at the eastern edge of the suburbs of the city of Waterford, and on lands zoned, in the Waterford City Development Plan 2013 – 2019, predominantly as “Undeveloped Residential”, and designated in this Plan as Phase 2 residential land. On the basis of the documentation submitted with the application and appeal, including the documentation submitted during the oral hearing, the Board is not satisfied that the development of these Phase 2 lands is appropriate in the absence of satisfactory evidence that all or a majority of Phase 1 residential lands within the city are not available for development. Furthermore, it is considered that the “core strategy statement” submitted with the application does not demonstrate, to the satisfaction of the Board, that development of the subject site is necessary to ensure continuity of housing supply in the city. The proposed development would accordingly be contrary to the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” issued by the Department of the Environment, Heritage and Local Government in 2009, which sets out the importance of the sequential approach to development and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale, density and nature of the proposed development, including the predominance of large three and four bedroomed detached and semi-detached houses, and the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” issued by the Department of the Environment, Heritage and Local Government in



2009 in relation to housing density in outer suburban/greenfield sites in cities and larger towns, it is considered that the proposed development would result in an inadequate housing density that would give rise to an inefficient use of zoned residential land, would contravene Government policy to promote sustainable patterns of settlement, and would, therefore, be contrary to the provisions of these Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, and in particular having regard to the 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 residential developments in the area, and in the absence of a Natura Impact Statement, the Board cannot be satisfied 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 Special Area of Conservation (site code 002137) in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.
4. The proposed residential development, by reason of inadequate private open space provision for a number of the proposed houses, and in particular the houses in Blocks F/G and F1/G1, in combination with relatively poor orientations and aspects, would give rise to a substandard form of residential development, which would seriously injure the residential amenities of future occupants, and would constitute an inadequate form of residential amenity, in both quantitative and qualitative terms. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Following application relates to the area of the application plus additional zoned open space lands to east of application site:

15/711 – Permission GRANTED for 179 no dwellings and 12 serviced site.

Permission was appealed to ABP (appeal ref 246629), however the application was subsequently withdrawn on 12th December 2016.

Site within residential development to west of Knockboy Road, opposite the appeal site:

PL93.248811 – Permission REFUSED (March 2018) for 117 residential units for the following reasons:

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

PL93.245482 – Permission REFUSED for change of house type relating to inadequate housing density that would give rise to inefficient use of zoned land.

## **5.0 Section 5 Pre Application Consultation**

- 5.1. A Section 5 pre application consultation meeting took place at the offices of An Bord Pleanála on the 5<sup>th</sup> February 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance.
- 5.2. The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the Planning Authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The matters included are as follows:
- 5.3. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Residential Phase 2 Lands

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.

### **Specified Information**

5.3.1. The following specific information was also requested:

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.

#### **5.4. Applicant's Statement**

- 5.4.1. Article 297(3) of the Regulations provides that where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.

5.4.2. In report titled “Statement of Response to An Bord Pleanála Opinion” submitted with the application, the applicant’s agent outlines a response to the matters specifically required by the Board which is summarised as follows:

- **Residential Phase Lands:** The application site is identified as Phase 2 lands. A Core Strategy Justification has been submitted and accords with development plan requirements. There is a clear need for these lands to be developed.
- **Design, Layout and Unit Mix:** The proposed scheme has been redesigned with a simpler and more legible road layout and a higher density development with a stronger urban edge to Knockboy Road/Ballygunner Hill, with provision of high quality amenity areas in close proximity to all house and apartment units. Private communal areas have been provided along the apartment blocks that will serve the respective gated apartment areas. Significant trees and hedgerows have been retained.
- **Sewerage and Surface Water Drainage/Appropriate Assessment:** Waste water will discharge to the Island View pumping station and then transfer for treatment to Waterford City WWTP at Gorteens, which ultimately discharges to the River Suir. The surface water drainage network is entirely separate to the foul network. Surface water will discharge to an existing surface water manhole on the Dunmore Road, which discharged to the Blenheim River, which ultimately discharges to the Lower River Suir Estuary at King’s Channel to the north of Dunmore Road. The adding of surface water to the WWTP is what leads to occasional sewage outflows because of the existing combined flows from elsewhere in the city. The surface water network is separate for this development. A study by RPS has been undertaken and is submitted. This study concludes that the proposed development will not have significant impacts on the WFD environmental objectives associated with the Lower Suir Estuary, nor is it likely to impact on the qualifying habitats and species of the Lower Suir Estuary SAC or the River Nore and River Barrow SAC. This is also addressed fully in the NIS with the application.

5.4.3. With regard to the Specified Information, the following has been submitted/addressed:

- A site-specific flood risk assessment.

- A visual impact assessment / photomontages report has been submitted, in addition to a landscaping plan and sunlight / daylight analysis, with differences in levels across the site highlighted.
- Arboricultural Impact Assessment, Hedgerow and Tree Survey, Tree Management Report, Tree Root Protection Plan, and Tree Survey Drawings have been submitted, in addition to a Biodiversity chapter contained in the EIAR.
- An archaeological survey and assessment has been undertaken.
- An open space strategy is set out, with different categories of open space identified, from zoned open space, to communal apartment areas to pocket parks.
- An Outline Construction Environmental Management Plan has been submitted, in addition to detail on foul/storm water services, and waste management is addressed in the EIAR.
- A Site Connectivity Plan has been submitted indicating pedestrian/cyclist connectivity.
- A map indicating the area to be taken in charge has been submitted.
- School demand is assessed in the chapter on Population and Human Health in the EIAR. It is considered that there is sufficient capacity to cater for the proposed development.
- A Building Lifecycle Report has been submitted.
- A crèche with a capacity for 100 spaces is now proposed, in accordance with estimated demand of 96 spaces.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 - National Planning Framework**

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.

- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, with their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 6.2. Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

### 6.3. Local Planning Policy

#### 6.3.1. Waterford City Development Plan 2013-2019 (as extended)

Waterford City and County Council was amalgamated on 1<sup>st</sup> June 2014. The three existing development plans within the amalgamated Council area, Waterford City Development Plan 2013 – 2019, Waterford County Development Plan 2011 – 2017, & the Dungarvan Town Development Plan 2012 – 2018, have had their lifetimes extended, as per Section 11A of the Planning & Development Act 2000 (as amended) and will remain in effect until the new Regional Spatial & Economic Strategy is made by the Southern Regional Assembly, thereafter a new City and County Development Plan will be prepared.

- **Zoning Objective:** Two zoning objectives apply to the site, as per the zoning map. ‘Undeveloped Residential, (Subject to Phasing)’. A smaller portion of the site to the east is zoned ‘Open Space’.
- **Map Based Objective:** Proposed cycle lane along Knockboy Road.
- **Section 2.2.3: Proposed Housing Land Provision and Phasing:**
  - **Appendix 2: Phasing map for Undeveloped Residential Zoned Areas -**  
There are three phases – phase 1 are lands which include existing permissions and on which residential development will be permitted in



principle during the lift of the plan; phase 2 lands may be considered for residential development subject to a core strategy justification and infrastructural deficits being addressed; phase 3 are lands identified as strategic reserve to provide for the longer term expansion of the city.

- The appeal site is designated **Phase 2** land. Phase 2 lands may be considered for development provided that proposals satisfy a core strategy justification and, where applicable, satisfactorily demonstrate that existing infrastructural deficiencies have been addressed to facilitate the development.
- **Phase 2 Development Objective:** 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 the criteria outlined above.
- All applications for multiple development on Phase 2 lands, including applications for extension of duration 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.
- **Section 7.2 The Neighbourhood Strategy**
  - The site is within the following Neighbourhood:

‘Dunmore Road – Knockboy/Blenheim & Farronshoneen/Ballinakill’.

The following Neighbourhood policies are of relevance:

- 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).

- **Section 7.3.5 Dunmore Road / Knockboy / Blenheim:**

- A Local Area Plan for the Knockboy area was made in 2003.
- 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 of this Plan ... to protect the view of the River Suir from the Knockboy Road from obstruction and inappropriate intrusion by new development.

- 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 ... 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.

- **Section 7.7 Recreation and Amenity**

- The land use zoning strategy includes the zoning of lands for recreational open space and natural heritage protection in association with new development areas. It shall be an objective that such areas are made available to the public in conjunction with the sustainable development of the associated development lands. It is proposed to create a number of strategic "green wedges" which will separate development areas and provide opportunities for active and passive recreation and nature conservation. These will include;...

- The lands zoned as open space in Knockboy and the tourism and leisure development on Little Island.

The following objective is of particular relevance:

- To protect the Green Wedges from inappropriate development, to provide for public access for recreational purposes, and to facilitate nature conservation (Obj 7.7.2).
- Variation no. 1 of the Development Plan: Development Management Guidelines.

#### 6.4. Natural Heritage Designations

6.4.1. The following Natura 2000 sites are located within the wider area:

Site (site code)	Distance from subject site.
Lower River Suir SAC (002137)	c. 0.65 km
River Barrow and River Nore SAC	c. 0.7 km

(002162)	
Tramore Back Strand SPA (004027)	c. 7.5 km
Tramore Dunes and Backstrand SAC (000671)	c. 8.3 km
Mid-Waterford Coast SPA (004193)	c. 12.5 km
Bannow Bay SAC (000697)	c. 14.5 km
Hook Head SAC (000764)	c. 15 km
Bannow Bay SPA (004033)	c. 15 km

## 6.5. Applicant's Statement of Consistency

- 6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the operative Development Plan.

## 7.0 Third Party Submissions

21 number third party submissions were received which are summarised hereunder:

- Development is premature due to lack of amenities and lack of physical infrastructure in the area, including roads, sewers, drainage, schools, lack of recreational public areas.
- Density and mix of units is not in keeping with the area and existing developments, especially the units addressing the road.
- The proposed development is contrary to development plan policies in relation to housing density and settlement structure.
- Apartments are not suitable or in keeping with the area. They should be replaced with 2/2,5 storey houses. There are boarded up apartments in mixed developments in the area.

- The provision of 15m high apartment blocks is exacerbated by their location on an incline that will impact on the visual amenities of the area.
- Scale of apartments do not respect the topography of the site.
- Overlooking, loss of privacy and on daylight on surrounding residential properties.
- The part V housing are clustered in the southeast corner of the development. They should be dispersed across the development.
- Surface water run-off will adversely impact on existing nearby properties.
- EIAR fails to adequately assess the impact on the local road network and road junctions.
- There are significant traffic constraints in the area.
- Traffic, air and noise pollution will pose a health and safety issue for all residents and will impact on the value of property in the area.
- Lack of an adequate Traffic Management Plan.
- Lack of public transport in the area and lack of bicycle lanes on Knockboy Hill.
- Site entrance is not safe and of inadequate design in terms of filter lanes given level of traffic expected.
- Local schools are at capacity.
- A new secondary school is needed in the area.
- Lack of community facilities for children and teenagers and new and existing residents.
- The development does not provide for community facilities for children/teenagers. The previous development provided for a club community centre and possible soccer pitch.
- Proposed enhancement of leylandi boundary with the graveyard does not comply with retention application granted for the cemetery site. It is requested that the boundary of the graveyard comprise a 2.4m high palisade fence or concrete wall with a hedge planted on both sides.

- Impact of apartment development overlooking the graveyard and potential noise impact during funeral times.
- The proposed future pedestrian link (7) with future development lands should be removed as the link or walkway would be a location for anti-social behaviour and would not be of benefit to either development.

## 8.0 Planning Authority Submission

### 8.1. Overview

8.1.1 The Planning Authority, Waterford City and County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board on 8<sup>th</sup> July 2019. It summarises the observer comments as per section 8(5)(a)(i) and the views of the Elected Members as per section 8(5)(a)(iii). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised hereunder.

### 8.2. Views of Elected Members

8.2.1. The views of the elected members can be summarised as follows:

- Density and scale of the development is too high and not suitable.
- The same issues that applied to the Williamstown Road SHD also apply to this site.
- Apartments unsuitable for this area given visual impact.
- Traffic Impact: Road network does not have the capacity for this and other planned developments.
- Lack of cycle lanes.
- Access to the site onto Knockboy Road. Roundabout required.
- Car based/focussed development.
- Child Independent Mobility cannot be achieved in the proposed development.
- Developer should be required by condition to engage with public transport operators in the area and a public transport assessment and plan is required.

- A Traffic Management Plan is required.
- 2015 Traffic Survey for the area predicted serious traffic impacts by 2030.
- Lack of open space
- Lack of capacity in existing schools in the area, primary and secondary.
- Insufficient youth facilities in the area.
- Increase urban sprawl due to the site's location relative to services, school, etc.
- Surface water run-off.
- Foul drainage connection into Island View.
- Underground car parking should be considered.
- EU direction regarding noise, soil and visual impact.
- More suitable land to be developed.

### 8.3. Planning Assessment

- A Core Strategy Justification Report has been submitted. Having regard to the site's location, the number of live permissions on phase 1 lands, the level of construction activity currently being undertaken, the National Planning Framework, and as the lands are easily serviceable, on balance it has been demonstrated that the proposed development is consistent with the Core Strategy.
- The density provided for is in accordance with national guidance.
- Layout / Levels:
  - Site gradient is steep with a difference in levels of c25m from the front of the site to the rear, where the lands slightly plateau in the southeast corner. The steep gradient is more pronounced for first c300m of the site, with a difference of 20m, which is evident in the road gradients of the main distributor road from the site entrance to the rear of the site.
  - 4 no. 4 storey apartment blocks front the site onto the Knockboy Road which seeks to create an urban edge/streetscape, as per advice by ABP at pre panning. However, an increased set back from the road is warranted. An appropriate condition should be attached.

- Given the site's location and the application site levels the proposed 11 no apartment blocks along the southern distributor road are considered excessive. There are no easily accessible private amenity spaces for apartment blocks 5, 8 and 9. The communal amenity serving blocks 8 and 9 is slightly removed from the apartments and screened by a rear boundary wall and cycle storage facility, which combine to provide poor passive surveillance. The pocket parks to the front of the apartments do not provide safe usable amenity space, especially for young children. Layout should be revised to reduce the height of the apartments to a maximum of 3 storeys for blocks 5, 6 and 7. Blocks 8 and 9 should be omitted given the elevated location to the rear of the site.
- Public and Private Amenity Space
  - Total open space is stated to be 16.45%, however this includes the zoned open space. The total open space excluding the dedicated open space is 10.64%.
  - The area designated open space has the main distributor space included within the open space zoning.
- Services
  - There is no objection to the foul sewer or surface water drainage proposals subject to condition.
  - A water quality assessment of the proposed additional loading on the foul sewer was undertaken to assess the potential impact on the Lower River Suir. The assessment concluded that the proposed development will not have significant effects on the WFD environmental objectives on the Lower Suir Estuary nor on the SACs. The proposed development will have separate foul and surface water drainage networks.
- Access/Movement/Parking
  - A TIA and Road Safety Audit of the entrance to the site have been submitted.



- Pedestrian links with the wider area and future vehicular links to the lands to the east are identified.
- The main distributor road acts as a central spine through the development and is designed to provide access to the lands zoned 'open space'. There is a mix of estate roads and shared surface roads off the distributor road.
- The Roads Section are satisfied with the details provided in the TIA and the capacity of the road network to cater for additional traffic. Concerns were raised in relation to the gradient and curvature of the main distributor road and it is considered that the development would benefit from a revised road layout which reduces the road gradients along the main distributor road, however it is noted that this would necessitate a significant revision to the overall layout.
- In the absence of revising the layout, all junctions shall be raised with pedestrian crossings and the road shall be widened to provide a combined cycle and footpath either side. It is noted that a roundabout in lieu of the proposed junction layout could potentially impede cyclist and pedestrian movements in the area.
- As mentioned in an observation underground car parking for the apartments could have been considered which would free additional lands for public and communal amenity space, storage units for the apartments etc.
- NIS
  - The submitted NIS has been reviewed by the Heritage Officer, WCCC and it is considered the proposed development will have no adverse impact on the integrity of any European site.
- Conclusion: The planning authority welcomes an application for a significant residential scheme at an appropriate density on lands zoned for such purposes in the Waterford City Development Plan 2013-2019. The planning authority recommends a grant of permission, subject to a number of conditions.

#### 8.4. Other Technical Reports

Heritage Officer: No objection.

The internal transport and water services reports were not submitted with the Chief Executive's Report. There are referred to within the report.

#### 8.5. **Recommendation and Conditions**

The planning authority recommends a grant of permission, subject to a number of conditions, including the following:

C2 (a): Set back apartment blocks 1-3 by 5 metres from the front of the site boundary.

C2(b): Apartment blocks 5, 6 and 7 shall be three storey only.

C2(c): Apartment block 6 shall be reduced to 6 apartments over 3 floors and public and communal open space shall be provided at this location.

C2(d): Apartment blocks 8 and 9 shall be omitted and replaced with terraced housing.

#### 9.0 **Prescribed Bodies**

The applicant was required to notify the following prescribed bodies prior to making the application:

- Department of Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Inland Fisheries Ireland
- Irish Water
- Transport Infrastructure Ireland
- Waterford Childcare Committee

The following responses have been received:

**Irish Water:** Subject to a valid connection agreement being put in place, the proposed connection(s) to the Irish Water network(s) can be facilitated.

**TII:** The Authority will rely on ABP to have regard to Chapter 3 of the document 'Spatial Planning and National Roads Guidelines for Planning Authorities (2012)'.

**Dept. of Culture, Heritage and the Gaeltacht:** The archaeological mitigation measures as detailed in section 14.7 of the EIAR should be included in the schedule of conditions attached to any grant of permission for development at this site.

## 10.0 Assessment

10.1. The following are the principal issues to be considered in this case:

- Principle of Development
- Urban Design and Layout
- Open Space and Landscaping Strategy
- Residential Amenity
- Traffic and Transport
- Infrastructural Services / Drainage, Site Services and Flood Risk
- Social Infrastructure
- Other Issues

### 10.2. Core Strategy Justification Statement and Principle of Development

10.2.1. The subject site comprises two zoning objectives, 'undeveloped residential (subject to phasing' (c. 8.4 ha) and 'open space' (c. 0.687 ha). The residential element of the land is specifically categorised as phase 2 development lands as per Appendix 2 of the development plan 'Residential Zoning and Phasing Map'.

#### Core Strategy Justification

10.2.2. In accordance with the provisions of the Waterford City Development Plan, 2013 – 2019, the residential zoning within the city has three distinct residential phasing's and these are identified in Appendix 2 (Phasing Map) of the City Development Plan. Phase 1 lands are lands which include existing permissions and lands on which residential development will be permitted in principle during the life of the plan; phase 2 lands may be considered for residential development subject to a core strategy justification and infrastructural deficits being addressed; phase 3 are lands identified as strategic reserve to provide for the longer term expansion of the city.

10.2.3. I note that the phases 1 and 2 are not accorded their status on the basis of a sequential approach to development from the city centre out. The development plan states the rationale behind phases 1 and 2 as follows:

‘Notwithstanding the level of undeveloped residential zoned land identified in Phase 1, the recent research and preparation of the Housing Strategy highlighted uncertainty over existing undeveloped residential land with extant permissions coming forward for development in the short to medium term. In order to ensure continuity of housing supply during the new Plan period, Phase 2 lands may be considered for development providing that proposals satisfy a core strategy justification and, where applicable, satisfactorily demonstrate that existing infrastructural deficiencies have been addressed to facilitate the development’.

10.2.4. The development plan elaborates on what is required within a core strategy justification. It states the Council will only permit development on Phase 2 lands where a Core Strategy Justification Statement has been submitted which demonstrates that the proposed development is consistent with the Core Strategy, having regard to a list of specific criteria as set out hereunder and overall satisfactorily demonstrate that existing infrastructural deficiencies have been addressed to facilitate the development:

- 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.

10.2.5. A Core Strategy Justification Report with a separate appendix has been submitted by the applicant. I note that a previous application at this site (ABP ref PL93.248547) was refused for a number of reasons, one of which related to ‘the absence of satisfactory evidence that all or a majority of phase 1 residential lands within the city are not available for development’ and ‘that development of the subject site is necessary to ensure continuity of housing supply in the city’.

10.2.6. The Core Strategy Justification Report submitted with this application examines the phase 1 lands against the criteria listed in the development plan. The appendix with the report specifically addresses the issue of compliance with the core strategy, and includes maps identifying phase 1 lands across the city with an analysis by neighbourhood looking at planning status, active planning permissions, and sites with construction activity. It is concluded that 37% of phase 1 lands across the city have been developed within the lifetime of the development plan/have permission on them (2013-2019, as extended), ie 58.5 ha of 156.6 ha available and the majority therefore have not come forward for development since the development plan was adopted in 2013. A landownership map has been submitted which indicates lands under single ownership and whether they are active, with the applicant concluding that this demonstrates a land hoarding situation. It is stated that there is a current pipeline of only 361 units in the city. I note that of this 361, 117 were recently refused permission on appeal to ABP (located opposite the application site), with the total pipeline figure now 244 units. I note a live application was not included within the 361 unit figure, which was a SHD application for 324 units west of the appeal site, which has recently been refused permission by ABP and therefore the figure in the pipeline remains 244 units. On a city wide basis, activity levels do appear low and the range of housing types proposed is limited. The application as proposed would offer a mix of unit types, specifically apartments/smaller units, in an area which is predominantly

3 and 4 bed semi-detached. It is contended that there is a shortfall in potential delivery of phase 1 lands with the current development not meeting the demand of the current housing crisis in delivering product, options and tenure mix, which is hampering Waterford City's growth as a Gateway City and as one of the four regional cities identified in the NPF.

10.2.7. The Core Strategy Justification Report addresses the remaining issues as per the development plan criteria, with a table included within the report examining the objectives of the core strategy against the proposed development. The site can be serviced by public water and foul sewer services. With regard to public transport infrastructure, there is a bus stop along Knockboy Road/St. Mary's Place/Ballygunner Hill adjoining the site with a service to the city centre. Pedestrian connectivity is provided for between the site and the surrounding area. In terms of services, the site is located in the village centre of Ballygunner/Knockboy, it adjoins the church and new graveyard and is opposite the scout hall and adjoining site zoned for neighbourhood centre facilities. Ballygunner gael scoil primary, gael scoil secondary and Ballygunner primary are within walking distance of the site. A crèche is proposed as part of the development. It is stated that the proposal meets development plan objectives by consolidating the neighbourhood of Knockboy, with the site centrally located in the neighbourhood of Knockboy with the proposal allowing for the introduction of greenway connectivity between the open space zoning to the east and west of the site and facilitating public access to the zoned open space and potential community park.

10.2.8. The National Planning Framework states under National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs. The proposed development is a greenfield housing development located on the edge of a regional city, within a serviced neighbourhood/village, and the proposal to develop this land is in my view consistent with the national and regional policy objectives. I note that additional information in the appendix has been submitted with this application and I am satisfied that the proposed development meets the criteria specified in the development plan in terms of phase 2 lands and the principal of developing this land ahead of phase 1 lands. I note the Planning Authority is satisfied with the information presented in the Core Strategy Justification Report.

## Principle of Development

10.2.9. While I consider the proposal complies overall with the Core Strategy phasing, I have concerns in relation to the zoned open space lands and the implication of the layout of the scheme on this zoning objective.

10.2.10. The lands zoned 'open space' are located to the east of the site. It is an objective 'To preserve and provide for recreational uses, open space and amenity facilities', with uses supported listed as follows: 'Burial grounds, Club houses and associated facilities, car parks, kiosks, open space, public service installations, allotments, recreational buildings including stands and pavilions, sports clubs, telecommunications structures and equipment'. Section 7.7 of the development plan relates to 'Recreation and Amenity', within which it is stated that 'It is proposed to create a number of strategic "green wedges" which will separate development areas and provide opportunities for active and passive recreation and nature conservation'. The development plan goes on to list four such areas where "green wedges" are proposed which includes 'the lands zoned as open space in Knockboy', which, from an examination of the zoning map, includes the zoned open space on the application site, which forms part of a bigger block of open space located on the adjoining land to the east of the application site. Section 7.3.5 of the development plan states that it is proposed to consolidate the neighbourhood at this location by zoning a limited area of land north and east of St. Mary's Cemetery for residential and open space (ie the subject lands and adjoining open space) and that the developer will be required to provide access to the lands. Objective 7.7.2 of the development plan is 'To protect the Green Wedges from inappropriate development, to provide for public access for recreational purposes, and to facilitate nature conservation'.

10.2.11. I note a previous application on these lands by the same applicant included the adjoining zoned open space within the site boundary and it was the stated intention of the planning authority to purchase these zoned open space lands in that application for public use.

10.2.12. As per the 'Schedule of Accommodation Plan' and the 'Site Plan', which includes the open space zoning overlaid on the proposed layout, there are two streets proposed within the zoned open space land, one of these being an east-west distributor road, which is providing for a 'pedestrian, cyclist, and vehicular link to

potential adjoining future development' which would result in the street connecting into the northern section of the adjoining zoned open space land. The second street serves 11 houses and terminates just short of the boundary with a stated provision for a pedestrian and vehicular link east, which given the alignment would be into the zoned open space. I consider that the distributor road connection is in accordance with the development plan requirement that the developer provide access to the lands, ie the zoned residential lands including the neighbouring residential lands and the zone open space lands on and adjoining the subject site. The second street traversing and located on the zoned open space lands is ancillary to the housing being provided, terminating before the boundary with the adjoining lands, and is required to access these houses. It cannot in my view be argued that the loss of zoned open space for this street is required in terms of access to the open space nor is this road ancillary to the development of the public open space (given the distributor road is providing for an access). I consider the location of this northern street and associated turning head in public open space to be a material contravention of the zoning. I further note that while permeability and connectivity is important, this could have been achieved without traversing the zoned open space. While I consider the distributor road location acceptable, I note that it could have been provided for (as per a previous application) south of the open space zoning, where blocks 8 and 9 are proposed, terminating at the eastern boundary where the zoned open space commences. The Board may wish to give this matter further consideration. There is also adequate space on the site to provide for a layout where the street serving housing 164-174 is relocated to the northern boundary of the zoned open space, rather than through it, with a vehicular connection provided for into the adjoining zoned residential lands, which would be in keeping with the development plan requirements. Potential for pedestrian links anywhere along the boundary can be supported without an accompanying street/road proposal. While this issue could potentially be addressed by way of condition requiring the relocation of the northern street to the edge of the zoned open space, this would require a redesign of this northeastern section of the scheme with the loss of houses and impact on the crèche site. The relocation of the distributor road south, should the Board consider that warranted, would result in a requirement to omit blocks 8 and 9 and a redesign of this southeastern section of the scheme. I consider that these



issues cannot be satisfactorily addressed by way of condition. I consider the northern street serving houses 164-174 within the zoned open space area to be a material contravention of the zoning objective 'Open Space'.

- 10.2.13. The applicant is proposing a crèche facility with a floor area of approximately 574sq. m. The crèche proposal is consistent with the land use zoning objective and the provisions of the Planning and Development Act of 2016 in respect of strategic housing applications.

### **Density**

- 10.2.14. The site is located within the Waterford City development boundary. Under national guidance as set out in the guidelines Sustainable Residential Development in Urban Areas (2009), the site is an outer suburban greenfield site whereby net densities of between 35 and 50 dph are encouraged and those below 30 dph are discouraged. Appendix A of the 2009 guidelines provides advice on what may be excluded from the site area when calculating the net density of a development. The Waterford City Development Plan states that given the gateway status of the city, a maximum residential density is not prescribed. It is stated that the planning authority will determine the appropriate density for new residential development on a case by case basis taking into account location, context with neighbouring development, overall layout & design, access to public transport and proximity to services in accordance with the 'Sustainable Residential Developments in Urban Areas' Planning Guidelines issued by DoEHLG.

- 10.2.15. The applicant states the net developable area of the site is 7.56 ha, with the net area excluding the proposed distributor road which will serve neighbouring undeveloped lands, the zoned public open space, and the area of the proposed crèche. Appendix A of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' sets out the criteria for what is included/excluded in regard to net density. The guidelines states 'a net site density measurement...includes only those areas which will be developed for housing and directly associated uses'. I do not accept that the crèche should be excluded from the net area, as the crèche is a directly associated use with the housing and is required solely to serve this housing development. I therefore consider the net

developable including the crèche is 7.73ha and the density is therefore 46.7 units/ha (and not 47.60 units/ha).

10.2.16. As detailed in section 5 above, the notice of pre-application consultation opinion issued by the Board specifically required the applicant to review the site layout plan in order to achieve a higher density of development across the site. I note the concerns raised in a number of third party submissions that the density is too high and not in keeping with this area. I consider however, that to develop the lands at a lower density (for which application PL93.248547 was previously refused by ABP) would represent an inefficient use of zoned serviced land. I am of the opinion that given its zoning, immediate context in the centre of Knockboy Village, proximity to public transport and location 5km from Waterford city centre, the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b).

10.2.17. With regard to unit mix, 57% of the units are 3 and 4 bed units and 43% are one and two bed units. I consider the proposal in terms of overall unit mix to be acceptable.

### 10.3. **Urban Design and Layout**

#### Overall Development Strategy

10.3.1. The site is accessed at the southwestern boundary from Knockboy Road/St. Mary's Place (I note this road is also referred to within the documentation as Ballygunner Hill). A distributor road is proposed providing access west-east across the site and facilitating access to the undeveloped open space lands east of this site. The development provides for 361 residential units, of which 207 are two storey houses and 154 are apartments. With regard to the housing, the majority is semi-detached, with a limited provision of detached houses and terraced houses (the terraces being allocated as part V). Three apartment blocks are positioned along the western edge with Knockboy Road, and six apartment blocks also located along the southern side of the east-west distributor road. The zoned open space at the eastern side of the

development is to be developed and designed as public open space serving the development and is labelled 'central park'. There is one other large 'central park' identified to the northwest of the scheme. Eight pockets parks are identified across the scheme and communal amenity areas are identified for the apartments.

10.3.2. I note the site layout differs from that submitted at pre-planning stage in terms of the street layout, unit types (apartments now proposed, with resultant increase of density), and location/design of open space.

10.3.3. As noted earlier in this report and as noted by the planning authority in the Chief Executive's Report, the proposed distributor road traverses the zoned public open space to the east of the site. I note that the secondary street north of the distributor road serving the proposed housing also traverses the zoned public open space on this site. I consider the provision for two streets within this zoned open space detracts from the amenity value of this open space. While the southern distributor road is required to necessitate future accessibility into the zoned open space, I consider the northern route unnecessary and its relocation north would be preferable to connect with the adjoining residential zoned lands. I consider the layout with the northern street with its associated turning head traversing the zoned open space to be undesirable, reducing its amenity value, and it's location would amount to a material contravention of the zoning objective and would be contrary to objective 7.7.2 'to protect green wedges from inappropriate development'.

10.3.4. I do not consider the development has had sufficient regard to the location of the undeveloped zoned open space south east of the site in its layout. The south-eastern boundary of the development proposes the side elevation/side boundaries of houses onto this boundary. I consider the layout to be poor in this regard. An alternative solution could have provided for with the creation of a street along this edge, with housing/apartments on one side facing onto this future public open space, providing it with what will be much needed activity/definition/passive surveillance, as well as enhancing direct accessibility into it, with potential for access off the street should vehicular access be required when a plan for the open space is formulated. I note that this boundary is the main residential boundary to the zoned open space on the adjoining site, with the zoned lands to the northeast having a more limited opportunity to provide for residential development/passive surveillance/activity. I consider overall that the layout along the eastern boundary is an inappropriate

interface with zoned public open space lands and it is a missed opportunity as frontage onto this aspect would be desirable from a design, amenity and safety perspective. While I note this was not raised as a reason for refusal in the previous application on this site, each application must be assessed on its own merits based on the detail provided within that application and I consider the layout as proposed is deficient in this regard.

- 10.3.5. Both the development plan and the Guidelines on Sustainable Residential Development in Urban Areas recommend a provision of public space at a minimum rate of 15% of the total site area for green field sites, to be in the form of useful open space. I note the planning authority considers the zoned open space should not be utilised in the 15% calculation of open space and considers the area of proposed open space (excluding the zoned area) equates to 10.64%. While I acknowledge the development requires a development provide for its own public open space, the guidelines state that a relaxation of standards may be considered in the context of proximity to certain amenities. Given the applicant is designed the zoned open space within the lands for future occupants and given the proximity of the site to the large future community open space adjoining the site, I consider the quantum of open space provided on the site to be acceptable. However, I do have issue with the location and design of the pocket parks, which I consider substandard and which is discussed further in section 10.4 of this report.
- 10.3.6. With regard to vehicular permeability across the site, I note that this is poor with the two northern east-west routes in effect cul-de-sacs. I note the through route serving the crèche would potentially be utilised as a connection, which is not desirable as it is not designed as a street but as a parking area for the crèche, with no footpath, or passive surveillance designed into the area. I do not consider it appropriate that this be designed as a public through route and its design should be reconsidered in light of potential safety issues in the evening when the crèche is closed. Furthermore, the northern streets should become through routes. This would require a redesign to ensure sightlines/proximity to junction issues are resolved and would result in the loss of houses and redesign of the interface of the housing with the streets and also consideration of the boundary of the zoned open space to ensure no encroachment on it.

- 10.3.7. With regard to the apartment blocks, I consider the positioning of the three blocks adjoining the Knockboy acceptable and positive, with these blocks providing definition and an urban edge to the Knockboy Road. I note the planning authority recommends the setting back of these buildings by 4m, however, I consider the applicant has provided for sufficient space in terms of footpath/cycle path and road verge. Furthermore, such a condition would have significant impacts on the overall site layout.
- 10.3.8. I have concerns in relation to the proposed apartment blocks along the southern side of the access road in terms of access to them and their integration with the rest of the scheme, given they are proposed to be gated. This is contrary to the guidelines on Sustainable Residential Development in Urban Areas and the key design principle of connectivity and permeability. It is stated within the guidelines that 'gated estates' should be discouraged. I note that access to the units is from the rear with gated pedestrian access from the street to serve three proposed communal amenity areas, with a boundary proposed along sections of the street to ensure privacy of these spaces. These communal areas are limited in terms of their usability adjoining a distributor road and their location does not support activity/passive surveillance of the street. The gated vehicular elements could potentially be omitted by way of condition from blocks 5 to 7 and from blocks 8-9, with an access route south of dwelling 236 also opened up to create a fully permeable block. However, there would be knock on design implications to applying such condition (for example to parking levels for block 8 and 9) and overall I do not consider the layout can be adequately improved by condition in conjunction with a revision to the interface with the zoned open space to the east, the omission of the northern street within the zoned open space to the north, and the redesign of the northern east-west routes as vehicular through routes.
- 10.3.9. I note the level difference between blocks 5-9 and the distributor road. I consider an opportunity for basement/undercroft parking could potentially have been worked into the design of some of the apartment blocks to address the level of surface parking required within the scheme, which while positioned to the rear of the blocks, dominates this area with limited space for planting and omits the potential for communal/semi-private open space to the rear of the blocks in what would be a more usable location than that currently proposed to the front adjoining the

distributor road. I also consider the positioning of block 9 and the associated communal amenity space does not provide for a positive interface with the adjoining undeveloped zoned public open space, as discussed previously in this report. I note the planning authority has recommended a condition to omit blocks 8 and 9 due to the elevated nature of this section of the development and replace them with terraced housing. I note that the replacement of these units with terraced housing would not address my previous concerns in relation to the interface of the development layout with zoned open space to the east of the site. While I do not have issue with the scale of the blocks, I consider the layout has not maximised potential viewsheds from the site of the River Suir Estuary to the north, particularly from the southern section of the site.

10.3.10. With regard to the design of the scheme, the apartments are contemporary in design, four storeys in height, with the upper floor set back. The finishes comprise red brick and render. I note the excessive level of render proposed, which could weather poorly at this location particularly on the elevated parts of site. This issue could be addressed by way of condition should the Board be minded to grant permission. Two main designs are proposed for the housing. Some of the dwellings are two storey, pitched roof with a gable fronted projection and optional dormer to the rear, while others are two storey, pitched roof, with a two storey bay projection and optional dormer windows to the front and rear. Finishes are red brick and render. A variation of the two storey with gable fronted projection is proposed which has the entrance from the side elevation, allowing for dual aspect design, with activity on 'side' elevations fronting onto public open space areas/streets. While this design option is welcome, I note that the first floor level is not particularly well animated with small windows to bathrooms only at first floor level. These elevations would benefit from a larger first floor window on the side elevation serving a habitable room (which could result in requirement for internal amendments to the houses), thereby improving this elevation to the street/public open space from a visual design perspective as well as increasing the opportunity for additional surveillance/perception of increased surveillance. This is particularly the case, for example, for dwelling 46 which combined with the side elevation of dwelling 73 provides limited overlooking of the street; dwelling 164; dwelling 254, which combined with side elevation of dwelling 255 provides limited overlooking of a pocket

park; and dwelling 125. Overall the dwellings are very similar in design and finish with no real character areas developed across the site. However, the contrast with the apartment blocks does provide for some variety and overall the proposal is considered acceptable.

#### **10.4. Open Space and Landscaping Strategy**

- 10.4.1. The development strategy proposes two central parks (one of which is the zoned public open space) and eight pocket parks. The documentation submitted with the application states that the zoned open space area to the east of the site will consist of a series of sub-spaces providing a range of amenity uses for the residents of the proposed development. There is a flat area which will function as a passive recreation space or an active kickabout space. Tree planting is designed in copses to maintain adequate open space within the area as well as to frame the seating area and overall space. I note the scale of the playground, the only one indicated to serve the development, appears quite small and overall there are a lack of facilities identified across the site for childrens play, addressing a range of age groups. The existing native hedgerow which runs through the open space will be removed, however this is stated to be compensated for through woodland planting within the open space and also through the use of wildflower, woodland planting and retaining other existing landscape features in the rest of the scheme.
- 10.4.2. As note elsewhere within this report, the provision of the street serving units 164-174 and associated turning head within the area zoned open space is in my view unacceptable and a material contravention of the zoning objective for this land. I note an historic townland hedgerow boundary (hedgerow 1 as per figure 5.1 in the EIAR) is located in this open space area, which, if not traversed by the proposed street network, could have been at least partially maintained within the green space and remained as a green route along its extent to the south, where it is to be retained (albeit I note a conflict between the landscaping masterplan and the site layout which brings this into question).
- 10.4.3. The second labelled 'central park' is located to the northwest of the scheme. Two parking spaces are proposed with this area and three parking spaces are proposed within the pocket park to the west of it, which I consider unacceptable from an amenity as well as safety viewpoint. I note the level changes proposed across this

open space and the proposal for 3 attenuation tanks under it. The surface water and landscaping plans should be shown on one drawing and greater detail in relation to play facilities across the scheme addressed to ensure there is adequate areas where they can be provided without impacting on underground infrastructure.

10.4.4. I note elsewhere within the scheme parking spaces and turning heads are proposed in two other pocket parks, which are in my view unacceptable from a design and safety perspective. The two pocket parks provided to the southwest of the development are proximate to the entrance and positioned on either side of the distributor road. It is stated that the area located on the northern side of the distributor at the junction with another new strip is to comprise contrasting feature paving, bands of ornamental planting and space for signage. 'Native hedgerow and wildflower meadow will run along the site boundary to the south, providing screening and enhancing local biodiversity and green infrastructure links. Large parkland trees will be planted throughout the open spaces which will eventually mature into large specimens and provide an interesting character to the open space'. However, I note the location of these 'pocket parks' at the entrance of the scheme, one of which is on a slope down to the road. While meaningful in providing an attractive entrance and enhancing the planting/biodiversity plan for the site, they have limited functionality or usability given their location, levels and poorly passive surveillance.

10.4.5. As noted previously in this report, the southeastern section of the development bounds public zoned open space, which has not yet been developed or delivered by the planning authority and I would question the approach to development here which is to position side blank elevations onto zoned public open space. I would also question the achievability of maintaining the hedgerow along this boundary given the requirement for boundary walls to side elevations of the proposed residential dwellings and also given the contradiction between the Tree Protection Plan and Site Layout Plan with houses indicated on the hedgerow in the Tree Protection Plan.

## 10.5. **Visual Impact**

10.5.1. The relevant section of the EIAR is chapter 10 'landscape and visual' including photomontages, which are also set out in document 'Visual Impact Assessment' with additional 3d images of the development site set out within document '3D Illustrations'. I refer also to section 12 of my report hereunder.



- 10.5.2. The site is currently greenfield in nature with an undulating topography with significant views from the site over the River Suir estuary, particularly from the eastern high point of the site. I note third party concerns raised in relation to the visual impact of the proposed development and the recommended conditions of the planning authority to reduce the height of the apartments blocks along the distributor road through the site, with the proposed omission of block 8 and 9 at the higher eastern end of the site and their replacement with two storey dwellings.
- 10.5.3. The scheme will be visible from the adjoining public road and from certain vantage points in the wider landscape, as demonstrated in the photomontages submitted. The impact on local views will be dramatic with the landscape character of this central undulating site changing from rural agricultural to a suburban residential character. However, this site is located within a zoned area identified for development, with zoned public open space which is to be developed for that use. Serviced land is a scarce resource and as such needs to be developed in a coherent and sustainable manner. I am satisfied that the impact of changing from a rural to an urban context in this instance can be sustained and mitigated through the design as proposed and the landscape strategy and in time will be absorbed into the existing landscape which will be more urban than rural.
- 10.5.4. In terms of a planting strategy, the majority of native hedgerows, trees and woodland on site can be found along the site boundaries and have been retained wherever possible. Where vegetation that is contributing to wildlife corridors and green infrastructure has been removed or fragmented, replacement planting is proposed to compensate for any loss, which will form part of the landscaping plan for the site.
- 10.5.5. I accept the EIAR assessment which concludes that the proposed development when read as part of the existing suburban context and the visual impact will not be significant. However, I note that the development in its layout has not specifically provided for view-sheds toward the River Suir, of which there are significant views from this site. In this regard it is a missed opportunity to maximise upon an opportunity to create and develop a unique sense of place at this location.

## 10.6. Residential Amenity

### **Impact on the Amenities of Neighbouring Properties to the North and West**

- 10.6.1. There are existing residential properties bounding the north of the appeal site, with the dwellings at the northeast corner the most visible given the elevated nature of this section of the development.
- 10.6.2. The site layout provides for a densely planted edge to the northeast of proposed dwelling 101 and adjoining dwelling 100. This will protect the amenity of the two neighbouring dwellings at this boundary, however, the retention of the side of dwelling 100 and 101 as open public space would be problematic in terms of maintenance and potential for anti-social behaviour. A balance has to be struck between providing screening and developing safe spaces within neighbourhoods. In this regard, I consider the distances of the dwellings to the boundaries in terms of neighbouring residential amenity appropriate as is the planting plan which should be implemented as part of the development, however the space to the side and rear of these dwellings should be incorporated within their private gardens.
- 10.6.3. The proposed dwellings along the remainder of the northern boundary, specifically no.s 92-99, are at a higher level to the dwellings to the north. The ridge height of the the existing bungalow to rear of no. 98 is 40.8mAOD, with the proposed dwellings no. 9 being 49.6mAOD, with the ground level also raised by 1m at this boundary, as per cross-section 22. The rear garden depths proposed along this boundary are 10-11m, with separation distances involved of approx. 28m between rear elevations of the dwellings. I note also the context of the street on which the two bungalows are located, which also contains dwellings more significant in scale. While I consider the proposed dwellings will be visually dominant when viewed from the rear of the two bungalows to the north which are at a lower level, I consider that given the separation distances involved and existing landscaping along the boundary, that the proposed location and design of the dwellings is appropriate on this zoned serviced site and will not overall have a significant adverse impact on the amenities of neighbouring properties to the north.
- 10.6.4. With regard to the two bungalow dwellings on the western side of the Knockboy Road, I note that these dwellings are constructed as a lower level to the road and the proposed development. However, given the zoned context of the site, where development has been planned for, and given the orientation of these dwellings to the west of the development, on the opposite side of the road with a separation of approx. 18m between their front garden boundaries and the proposed apartment

blocks, I do not consider the proposed development will have a significant adverse impact on the amenity of these dwellings.

### **Boundary with Graveyard**

10.6.5. The south eastern edge of the development adjoins the graveyard, with this edge of the development comprising a green area, apartment block 4 and the parking associated with apartment blocks 5-7. Concern has been raised by the parish priest in relation to the lack of a solid boundary at this edge. There are existing evergreen trees at this location. Given the nature of the adjoining use, I consider the retention of these trees to be important and the future development should in my view comprise a mesh green fence supported by supplementary planting, which will obscure the fence as the planting matures. This will secure the boundary with the graveyard while protecting this existing landscaped edge. It would be important that the positioning of the fence have regard to existing tree roots when it is being constructed and the advice of an arborist should be obtained on site in this regard.

### **Boundary with Mass Path to the South**

10.6.6. The south eastern section of the site comprises a mix of semidetached dwellings and terraced dwellings. The boundary with the 'mass path'/access road comprises the rear of dwellings 259-273 and the side elevations of dwellings 277 and 278 with a pedestrian connection indicated onto the adjoining mass path/access road. The mass path allows for pedestrian and vehicular access to the graveyard as well as providing for access to two dwellings further to the east. This mass path/road is very narrow and has a strong rural character along its eastern end, with a strong hedgerow defining it, which is deemed to be highly significant historically as a townland/parish boundary. A pedestrian connection from the proposed development onto this road is desirable. The boundary treatment of the rear/side boundary of dwellings onto this road is important in terms of visual amenity given the rural setting and historic value of the hedgerow and I am not satisfied that the proposed 'heavy duty timber fence' is appropriate from a visual perspective and it may also damage the hedgerow. In my view the existing hedgerow should be maintained and a steel mesh fence erected on the development side of the site with supplemental planting to form the boundaries with the dwellings. The positioning of the fencing should have regard to the need to protect the existing hedgerow at site construction stage, and as

noted above, the advice of an arborist should be obtained on site at construction stage.

### **Future Residential Amenity**

10.6.7. The proposed development provides for a range of house types, primarily semi-detached dwellings, with a limited number of terraced and detached dwellings, in addition to apartments within three to four storey blocks (three storey with one storey set back).

#### Design Standards for New Apartments

10.6.8. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

10.6.9. The development provides three blocks of apartments adjoining the Knockboy Road, creating a defined urban edge at this location. Pedestrian access is facilitated between the blocks, with access to the ground level units from the side for block 2, and from the rear for the upper levels. Blocks 1 and 3 are accessed from the rear. Three communal spaces are proposed to serve the blocks positioned between the blocks and adjoining the Knockboy Road.

10.6.10. Six blocks are proposed along the southern side of the distributor road within the development. I note pedestrian access is from the rear of the blocks where the surface parking is proposed, with gated access from the front allowing for access to the proposed communal spaces and a pedestrian link to the rear entrance. The street to the rear where the parking is proposed is gated at either end of blocks 4-7 and blocks 8-9, with a pedestrian gate between blocks 8 and 9. The communal space for these blocks is located to the rear and is irregular in shape, as determined by the location of the bicycle parking proposed.

10.6.11. The apartment blocks have been designed to comply with the 'Sustainable Urban Housing Design Standards for New Apartments' and the floor areas meet or exceed the required provision in all instances. I note of the single aspect units provided for, 27 are north facing single aspect apartments located facing the southern distributor road. I consider the overall the orientation of the apartments to

be acceptable and the number of north facing units are limited with adequate space around the buildings to ensure no overshadowing impacts on these apartments, however the Board may wish to consider this issue further. In excess of 50% of the apartments are dual aspect and the ground floor of both blocks have a floor to ceiling height of 2.7 metres. The majority of the units are larger than the minimum required floor areas and meet all the standards with respect to private amenity space, storage and aggregate areas

- 10.6.12. A Building Lifecycle Report as required in the Guidelines has been submitted with the application.
- 10.6.13. Car parking provision is considered acceptable by the planning authority. For apartments in suburban locations 1.5 spaces per apartment is required by the development plan. 2 parking spaces per dwelling is required. I note the applicant has provided 2 spaces per dwelling and 1 space per apartment with 1 visitor space per 4 apartments. I consider the level of parking proposed in compliance with the apartment guidelines. The provision of bicycle parking can be addressed by condition.
- 10.6.14. With regard to private communal space, I note for the apartments adjoining the Knockboy Road, 'communal spaces' are located at the western edge between the blocks and adjoining the public footpath with the spaces providing for pedestrian ramps from the road to the upper street level within the scheme. While these are positive landscaped areas adjoining the public realm, they have limited amenity value as communal spaces and will function as pedestrian routes into and out of the scheme. With regard to the communal facilities proposed for the apartment blocks adjoining the distributor road, I note these spaces are located adjoining the public footpath in two cases with a boundary and gated entrance to the apartments from the street. Overall the communal amenity space proposed is poor in terms of location and design.

#### Houses – Design and Juxtaposition

- 10.6.15. The Waterford City Development Plan sets out quantitative standards for housing developments. This includes minimum rear gardens ranging from 50 – 75 sq. metres for terraced and semi-detached dwellings, 120sqm for detached dwelling,

and a minimum distance of 22 metres shall be maintained between directly opposing rear windows.

- 10.6.16. The proposed houses appear adequate in size and have a sufficient level of internal accommodation. Generally back to back distances of 22m are achieved where windows are directly opposing. Two parking spaces are proposed per dwelling.
- 10.6.17. I note the site layout plan includes the area of rear garden private open space being provided per dwelling. From an examination of the layout, the applicant has included the 1m wide side passage between the gable of the dwelling and the side boundary in the calculation of the rear private open space area. I do not consider this acceptable. As per the guidelines on Sustainable Residential Development in Urban Areas, private open space refers to the area of private open space to the rear of the building line and an access side passage for bin movement cannot be said to contribute to the quality and usability of the amenity area. In a number of cases, if the side passage area is omitted, the level of open space is reduced to below the required standard of 50sqm/120sqm as per the development plan. However, this appears to occur in limited areas and overall I consider the proposed levels of private amenity space to be acceptable. However, should the Board be minded not to grant permission for other reasons as set out above in this report, I consider going forward that the applicant should in any future application submit a revised assessment of private open space provision, accurately reflecting what is being provided.
- 10.6.18. Overall, subject to conditions, I consider the proposed dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

## 10.7. **Traffic and Transportation**

- 10.7.1. In relation to Traffic and Transportation, the relevant section of the EIAR is Chapter 11, which details existing modes of travel in the area and summarises the potential impact of the proposed development on the surrounding road network. The EIAR refers to a Traffic and Transport Assessment prepared by PMCE submitted as a separate document with the application, in addition to an engineering report. A Stage 1 Road Safety Audit has also been submitted with the application. It is noted within

the report that the audit was limited to the proposed new junction and did not include the internal layout of the proposed new residential development. I note the audit team assessed that development against an old layout.

- 10.7.2. The Traffic and Transport Assessment undertaken is based on TII's 'Traffic and Transportation Assessment Guidelines (2014)'. The existing road network, public transport routes and pedestrian/cycle facilities were assessed and traffic count survey data was undertaken (Thursday 12<sup>th</sup> April 2018 between 7am and 7pm), in addition to traffic signal phasing/sequencing data. The impact of the development on three junctions was assessed, two of which are outside the site entrance and are the main links to the surrounding road network – junction of Dunmore Road and St. Mary's Place; junction of Williamstown Road/Kilcaragh Park and St. Mary's Place; and proposed junction with the development and St. Mary's Place/The Village. Traffic from The Village was factored into the assessment of the proposed junction and provision was made for an additional 117 units from The Village given the existence of undeveloped zoned lands within that development. The Chief Executive's Report has raised no issue with the number of junctions in the wider area assessed and I consider the assessment of these three junctions adequate for the purposes of this planning application.
- 10.7.3. I note that Mary's Place/Knockboy Road provides a north-south link between the Dunmore Road and Williamstown Road, both of which connect to the city to the west/northwest. The next north-south link between these two routes is before the city centre at the Waterford Outer Ring Road/R710 which terminates at Waterford Regional Hospital at one end and provides links to the west to the M9 to Kilkenny and the N25/N72 to Cork. Travelling east/southeast of the site, brings one into the rural area of the county, with connections to villages of Passage East (and the ferry to Wexford) and Dunmore East.
- 10.7.4. The Knockboy Road/St. Mary's Place is a two lane single carriageway with a verge and footpaths on both sides, including a footpath along the front of the application site. With regard to cycle routes, there are advisory on-street cycle lanes along the Knockboy Road/St. Mary's Place from the church site up to the junction with Williamstown Road and the existing school at this junction. There is also an advisory lane along a short section of the Dunmore Road travelling to the city. It is proposed to continue the advisory lane to the front of the application site.

- 10.7.5. In terms of public transport, there is bus service along both the Dunmore Road and along the Williamstown Road to the city centre, with stops also on the Knockboy Road, near to the site entrance, with the bus stop along the edge of the development to be relocated to achieve sightlines. There are 6 bus services serving the area.
- 10.7.6. Vehicular access to the site is from the southwest off the Knockboy Road/St. Mary's Place, which is positioned opposite but off centre to the entrance to The Village residential development opposite the site. The position is stated to be the most appropriate location in terms of sightlines achievable. The findings of the Road Safety Audit have been taken into account in the design of the entrance and the proposed right turning access lane and pedestrian crossings. The access road for the site traverses the site west to east, providing for a connection to undeveloped lands adjoining the eastern edge of the application site. The access road is proposed to have a 6m wide carriageway with 2m footpaths on both sides.
- 10.7.7. The TTA estimates that traffic generated will be 231 in the AM peak and 238 in the PM peak. It is assumed that 50% will travel north to the junction with Dunmore Road and 50% will travel south to the junction with the Williamstown Road.
- 10.7.8. The potential operational impacts of the proposed development on adjacent junctions, as set out in the TTA, is summarised within the EIAR as follows:
- Dunmore Road/St. Mary's Place: The junction of Dunmore Road/St. Mary's Place is a priority (uncontrolled) crossroads junction. The results of the assessment of this junction during the weekday morning and evening peak periods indicate that the junction will operate within capacity for each of the assessment years 2020, 2025 and 2035.
  - St. Mary's Place/Williamstown Road (L1023): The junction of L1023/Kilcaragh Park/St. Mary's Place is a signalised crossroad junction. Junction capacity analysis was undertaken using TRL's software package OSCADY. Using the existing signal data and cycle times the junction will exceed capacity during the PM Peak during the future assessment year 2035. However, by increasing the cycle time from 90 seconds to 95 seconds, the junction will operate within capacity for each of the assessment years 2020, 2025 and 2035. The issue of vehicles queuing through this junction is not a



capacity issue, but rather a queuing issue resulting from the schools' proximity to the junction.

- Proposed Development Junction with St. Marys Place and The Village:  
The proposed location of the development access will create a new uncontrolled crossroads linking the development with St. Mary's Place and the existing Village development. The analysis indicates that the junction will operate within capacity for each of the assessment years 2020, 2025 and 2035 for both the AM and PM peak periods.

10.7.9. I note third party submissions which raise concerns in relation to impacts of the development on the local road network for local residents as well as the capacity of the wider road network. I would note that this land is zoned for residential development and refusing permission for the proposed development would not alleviate traffic congestion in this part of the city nor would it justify preventing or amending the proposed development of zoned serviced land at an appropriate density.

10.7.10. I note the Waterford City Development Plan 2013-2019 (which is due for a review once the RSES for the southern region is adopted), notes that the initial PLUTS study for Waterford envisaged travel demand being largely car based and with 2020 travel demand growing by 170% from 2005, and an increase in trips to the City Centre of 50%. The development plan goes on to state that 'notwithstanding the economic downturn, growth in travel demand will still occur by 2020, but at more modest levels. The most likely outcome being that the initial growth projections will now occur over a longer time period. Accordingly it is still necessary to continue to provide for modal choice and to adopt a degree of demand management'. While I acknowledge that as the city develops so too will car travel, this is an urban area where growth is to be expected in accordance with national and regional estimates and it is the management of this growth into the future through the development of sustainable communities and sustainable modes of transport which will support the sustainable development of this land as part of Waterford City. I note the area is well served by roads. To this end, I have considered the design of the junction with Knockboy Road and consideration of the related immediate junctions with the wider road network, as per the TTA, and I note that a focus on improved pedestrian and cycle movement, public transport facilities and accessibility, and ensuring a schools

travel strategy to increase usable modes of transport is necessary to allow the city to grow is of equal importance to this site. There are bus stops on the adjoining road network, which the design has taken into account, and it is proposed to provide an extension of the existing cycle advisory lines on St. Mary's Place/Knockboy Road linking into the existing cycle advisory lanes on Knockboy Road. The Road Safety Audit suggested the provision of an off road cycle track, however the applicant considers that this would be more hazardous due to the lack of a link to the existing advisory cycle lane approach and it is noted there is provision for off-road space should the council require it in the future. I note the development plan states a Public Transport Feasibility Study identified potential for a small scale sustainable hybrid Park & Ride service to be located adjacent to the Outer Ring Road in the general Farronshoneen / Williamstown Road area with this to be served by an extension and enhancement of the existing bus service rather than a dedicated P&R service. Such a proposal would benefit this development and traffic movement in this area.

10.7.11. Overall, I consider that a development of the scale proposed at this site can be accommodated within the existing city road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site, subject to conditions in relation to the design of cycle lanes, filter lane design, and repositioning of the bus stop on Knockboy Road, as proposed.

10.7.12. The planning authority appears satisfied with the proposal.

#### Internal Street Design and Parking

10.7.13. The applicant in the submitted Statement of Consistency has stated that the scheme has been designed with adherence to DMURS principles, that pedestrian permeability has been maximised and that a safe pedestrian and cycling environment is created.

10.7.14. The internal road hierarchy comprises a 6m wide main Distributor Road, Local Streets (5.0m to 6.0m wide) and some shared surface Local Streets (5.0 to 6.8m wide). The key aspects adopted for the proposed development which provide for safer movement for all include:

10.7.15. The Engineering Report submitted with the application states it is proposed to provide for raised pedestrian crossings on the Main Distributor Road and at other

locations to encourage slower speeds and to provide for vulnerable users while similar objectives are achieved on the internal roads by the provision of junction tables and traffic calming ramps. In addition it is stated the following DMURS compliant measures are proposed:

- Footpaths – 1.8m wide
- Typical Cross Fall – 1/40;
- Radius kerbs at junctions are generally 3.0m to encourage slower speeds. By providing small radii a more desirable location and shorter length of crossing is achieved;
- Providing linked internal roads within the development so as to avoid unacceptably long cul-de-sacs;
- A design speed limit of 30 km/hour has been applied throughout the development in accordance with DMURS.

10.7.16. The proposed development also allows for footpath segregation along the main distributor road which is a positive feature, and provides for continuous footpath connections around the entirety of the scheme. The proposal also provides for pedestrian permeability at a number of points to the front of the site, adjoining the Knockboy Road, which I accept is positive in terms of pedestrian movement.

10.7.17. I have issue, however, with the internal layout of the street network in terms of vehicular connectivity. While pedestrian connectivity has been maximised, there are a number of cul-de-sacs proposed. In particular, I note the entire northern section of the scheme is connected to the internal distributor road at one point only. I note that another connection is possible via the car park associated with the crèche, however, this is not a street designed for through traffic and I would question the manner in which it is designed and laid out.

## 10.8. **Water Services**

10.8.1. The proposed development will have separate foul and surface water drainage networks, which will discharge off site to separate existing foul and surface water systems.

### **Surface Water**

10.8.2. The proposed discharge of controlled surface water from the development is to an existing surface water sewer manhole located within the existing carriageway at Dunmore Road (R684), which ultimately discharges to the Lower River Suir via a freshwater tributary of Blenheim Stream. Due to the proposed controlled surface water discharge location, there is a potential indirect hydrological link between the application site and four nearby designated conservation sites associated with the Lower River Suir Estuary (transitional waterbody), including; the Lower River Suir SAC, the River Barrow and River Nore SAC, the Barrow River Estuary pNHA and Waterford Harbour pNHA. This has been assessed as part of the NIS accompanying this application and also within the EIAR. Based on the information presented and based on my assessment in section 11, I am satisfied that the proposed development, either individually or in combination with other plans or projects would not adversely affect the integrity of European site no. 002137 (Lower Suir SAC) and European site no. 002162 (River Barrow and River Nore SAC) or any other European site, in view of the sites conservation objectives.

10.8.3. Surface water is to be discharged via a piped gravity system with the applicant providing for a separate surface water pipeline in St. Mary's Place to convey the restricted surface water discharge to the existing surface water network. The design is stated to be in accordance with the GDSDS and provides for the following measures:

- 2 l/s run-off rate.
- Restrict run-off through underground storage tanks in addition to SuDS and flow control devices.
- Swales adjacent to roads where feasible to convey run off to open spaces.
- Permeable paving under private driveways, with residual run off from roofs discharge to the piped network via this system.
- Facilitation of groundwater recharge through the soft landscaping of open space and permeable pavement and where possible by draining paved areas to swales.
- Attenuation systems will be located within the designated open space areas – 4 are proposed.

- The type and detailed design of flow control devices and storage facility to be determined at detailed design state in conjunction with other designs including hard and soft landscaping.

10.8.4. On site infiltration testing has been undertaken which indicates good infiltration characteristics and the calculation of the attenuation storage volume is stated to have taken cognisance of the infiltration results obtained.

10.8.5. I note the location of the underground attenuation tanks proposed within the open space areas, as per Drainage Layout Sheet 1 and 2. One is within the communal amenity area adjoining apartment block 3 and the Knockboy Road; one in the pocket park to the northwest; three in the central park in the northwest; and one in the pocket park to the front of the crèche. The location of such tanks will have an impact on the design/planting plans and layouts of the open space proposed at these locations. Should the Board be minded to grant permission, the applicant should be requested by condition to submit a plan with surface water drainage layout overlain on the landscape plan to ensure the planting plans/design proposed have taken account of the surface water drainage layout and vice versa and are achievable.

### **Wastewater/Foul Effluent Discharge**

10.8.6. Irish Water advised the applicant that the public sewer immediately adjacent the site were most likely 225mm pipes and therefore capacity was uncertain and that an alternative outfall should be considered. The development proposes to connect to the existing public foul sewer network via construction of a new pipe to connect to a 600mm diameter pipe which crosses Island Drive and Dunmore Road, which discharges to the Island View pumping station which, in turn, pumps sewage via a rising main to Waterford City Waste Water Treatment Plant. There is no issue with the capacity of Waterford City WWTP and Irish Water has no objection to the proposal, subject to a connection agreement.

10.8.7. In assessing a previous planning application on the site an issue was raised in respect of the adequacy of the foul drainage proposals for the development, and in particular the potential sewage overflows from the proposed development in combination with other plans or projects, and their likely effect on the Lower River Suir SAC. To address this issue the applicant engaged RPS to undertake a water quality assessment of the proposed additional loading to the foul sewer network and

its potential impact on the receiving water, Lower Suir Estuary (Little Island - Cheekpoint) in the context of the environmental quality standards (EQS) listed in the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (SI 272/2009) for relevant physico-chemical parameters and the potential to impact on the Water Framework Directive (WFD) environmental objectives. This assessment concluded that the proposed development will not have significant effects on the WFD environmental objectives associated with the Lower Suir Estuary, nor is it likely to impact on the qualifying habitats and species of the Lower Suir Estuary SAC or the River Nore and River Barrow SAC.

10.8.8. This issue has been explored further within the NIS submitted with the application, as set out in section 11 of my report hereunder and also section 12. I am satisfied based on the information presented with the application and in light of my assessment in section 11, that the proposed development, either individually or in combination with other plans or projects would not adversely affect the integrity of European site no. 002137 (Lower Suir SAC) and European site no. 002162 (River Barrow and River Nore SAC) or any other European site, in view of the sites conservation objectives.

## 10.9. **Ecology**

10.9.1. I note the concerns by some parties regarding the impact of the development on the biodiversity of the site and potential impacts to the River Suir SAC. This matter is discussed further below in section 11, Appropriate Assessment and in the EIAR, section 12. I note a number of surveys were undertaken across the site. The site is not considered to be of any particular importance for flora and fauna. Whilst inevitably the development of such a large greenfield site will result in some disturbance and loss of an opportunistic feeding ground for the Yellowhammer bird, I am satisfied that no material adverse impacts will arise and fauna are likely to relocate to adjacent undeveloped lands. There are no potential roosting areas for bats on the site or for the other identified bird species, including the Blackheaded Gull. The NIS notes that the site has some function for foraging and feeding, that any potential impact to bats can be addressed through mitigation measures including appropriate lighting etc. In this regard, I am satisfied that no significant material adverse ecological or biodiversity impacts are likely to arise.

## **Construction Phase Impacts**

11.9.3 I note the concerns raised by some parties regarding construction stage impacts. An outline construction management plan has been submitted by the applicant. The EIAR has addressed construction phase impacts of the development in terms of traffic and noise. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice.

### **10.10. Conclusion**

10.10.1. Overall, the proposed design and layout of the scheme is, in my view, unacceptable. I consider the proposed development materially contravenes the public open space zoning and the development has not had due regard in its layout to definition and overlooking of the adjoining zoned public open space on the adjoining lands, which is considered a strategic green wedge in the Waterford City Development Plan 2013-2019 (as extended). I consider the issues cannot be adequately addressed by way of condition. I further consider the gating of the apartment blocks to be inappropriate and the location of the communal spaces constrained. I further consider the quality and location of some of the proposed pocket parks to be peripheral and unusable given site levels and location with their amenity value impact upon with the location of turning heads and parking spaces within them.

10.10.2.

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

- Inappropriate location of the street serving dwellings 164-178 and its associated turning head within zoned open space.
- Lack of vehicular permeability within the northern section of the site.
- Design of the parking area serving the crèche.
- Interface of the south-eastern boundary with the adjoining zoned open space/'green wedge' (currently undeveloped).

- Location, design and usability of some of the pocket parks across the scheme, some of which contain turning heads, parking spaces and steep slopes.
- Location, design and quality of communal amenity spaces to serve the apartments.
- Gated pedestrian and vehicular design of apartment blocks 4-9, interaction of these buildings with the streetscape, and location of associated communal open spaces adjoining the distributor road.

10.10.3. These issues could be addressed somewhat by the imposition of conditions requiring revised open space and street layouts, however, these amendments, when taken in conjunction would result in a significant number of amendments which could not in my view be adequately addressed by way of condition. 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...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 or permission for a revised application is to be considered’.

## 11.0 **Appropriate Assessment**

11.1. The applicant has submitted a Stage 2 Natura Impact Statement. The applicant states that the reason a Stage 2 assessment has been undertaken relates to a refusal for a previous development on this site by ABP (ABP case reference 248547; 2017), which related to uncertainty over whether the proposed development individually, or in combination with other plans or projects, would be likely to have a significant effect on the Lower River Suir SAC. This reason/consideration from ABP was informed by discussions during the associated oral hearing of case reference 248547, where various impacts potentially relevant in relation to the qualifying interests of the Lower River Suir SAC (Atlantic Salt Meadow ASM 1330 in particular, which is a saltmarsh habitat) needed to be adequately assessed.



11.2. Having reviewed the revised NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts and does use best scientific information and knowledge. Details of mitigation measures, relating to standard environmental protection measures for construction and operational phases, are provided and they are summarised in Section 5.3 of the NIS. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

**11.3. Appropriate Assessment Screening – Stage 1**

11.3.1. I consider that the proposed development is not directly connected with or necessary to the management of any European site. There are no known watercourses associated with the proposed development site. The site is situated within the River Suir Catchment and is part of the South Eastern River Basin District (RBD).

11.3.2. There are eight European Sites within the likely zone of impact of the development.

<b>Site (site code)</b>	<b>Distance from subject site.</b>
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
Tramore Dunes and Backstrand SAC (000671)	c. 8.3 km
Mid-Waterford Coast SPA (004193)	c. 12.5 km
Bannow Bay SAC (000697)	c. 14.5 km
Hook Head SAC (000764)	c. 15 km
Bannow Bay SPA (004033)	c. 15 km

11.3.3. There is a potential impact receptor pathway via surface water links between the development and two of the Natura 2000 sites, the Lower River Suir SAC and the River Barrow and River Nore SAC. Surface water run-off arising from the

development will discharge into the existing surface-water drainage system at a controlled (i.e. restricted to 2 litres per second per hectare, MAL 2019a), which discharges to a tributary of Blenheim Stream, which itself discharges to the River Suir at Kings Channel. Additional freshwater inputs arising from the proposed development into Blenheim Stream and onwards towards King's Channel may have a potential freshwater influence on existing Atlantic Salt Meadow of the relevant designated sites in terms of affecting vegetation structure/succession and/or habitat erosion.

11.3.4. With regard to the public foul/effluent sewer network, it is proposed that the development will connect into the existing public system, which pumps wastewater at Island View Pumping Station to Waterford City WWTP, which ultimately discharges to the River Suir and the Lower River Suir SAC. Three other designated sites, the Barrow and River Nore SAC is located downstream of the discharge point, as are the Barrow River Estuary pNHA and the Waterford Harbour pNHA. Island View pumping station has a combined sewer overflow (CSO) and emergency overflow (EO) system (collectively Surface Water Outflows, SWOs) which when triggered by excess water ingress, discharges to the Lower River Suir Estuary at Little Island/King's Channel. The River Barrow and River Nore SAC is c. 3-5km downstream of the discharge point and there is therefore potential for an indirect hydrological link and impact on water quality through point source pollution, which in turn could impact on water quality and associated key wetland habitats (eg a subsite of Atlantic Sal Meadows habitat at the SWOs discharge point) associated with the Lower Suir SAC and King's Channel pNHA.

11.3.5. I have reviewed the information on file and the documentation submitted by the applicant. Given the potential for indirect affects through surface water discharge the public foul/effluent sewer network, significant impacts on the Lower River Suir SAC and the River Barrow and River Nore SAC cannot be discounted and in that regard it is recommended that the assessment proceed to Stage 2 Natura Impact Statement.

Name of Site	Site Code	Approximate Distance from Site Boundary and Discharge Points	Potential Connection
Lower River Suir	<b>002137</b>	<u>Site Boundary:</u> 0.056 km	Screened In

SAC		<u>Discharge Points</u> Surface Water: 600km SWOs: 0km Waste Water: 0km	Hydrological link via surface water and waste water/foul effluent links.
River Barrow and River Nore SAC	<b>002162</b>	<u>Site Boundary:</u> 4.537km <u>Discharge Points:</u> Surface Water: >5km SWO: >5km Waste Water: c. 3.1km	Screened In Hydrological link via surface water and waste water/foul effluent links.
Tramore Dunes and Backstrand SAC	<b>000671</b>	<u>Site Boundary:</u> Over-land: 6.66km <u>Discharge Points:</u> Surface-water: n/a Waste-water: n/a	Screened Out No hydrological link.
Tramore Back Strand SPA	<b>004027</b>	<u>Site Boundary:</u> Over-land: 6.66km <u>Discharge Points:</u> Surface-water: n/a Waste-water: n/a	Screened Out No hydrological link
Mid Waterford Coast SPA	<b>004193</b>	<u>Site Boundary:</u> Over-land: 12.26km <u>Discharge Points:</u> Surface-water: n/a Waste-water: n/a	Screened Out No hydrological link
Hook Head SAC	<b>000764</b>	<u>Site Boundary:</u>	Screened Out

		Over-land: 13.26km <u>Discharge Points:</u> Surface-water: n/a Waste-water: n/a	No hydrological link
Bannow Bay SAC	000697	<u>Site Boundary:</u> Over-land: 13.77km <u>Discharge Points:</u> Surface-water: n/a Waste-water: n/a	Screened Out  No hydrological link
Bannow Bay SPA	004033	<u>Site Boundary:</u> Over-land: 13.80km <u>Discharge Points:</u> Surface-water: n/a Waste-water: n/a	Screened Out  No hydrological link

11.3.6. Based on my examination of the NIS Report and supporting information, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for two of the European sites referred to above, namely the:

- Lower River Suir SAC (002137)
- River Barrow and River Nore SAC (002162)

11.3.7. The remaining sites are namely:

- Tramore Dunes and Back Strand SAC (000671)
- Tramore Back Strand SPA (004027)
- Mid Waterford Coast SPA (004193)
- Hook Head SAC (000764)

- Bannow Bay SAC (000697)
- Bannow Bay SPA (004033)

These can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is, therefore, reasonable to conclude that on the basis of the information on file, which I consider adequate 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 these six European Sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not, therefore, required for these sites.

#### 11.4. Stage 2 – Appropriate Assessment

11.4.1. A Natura Impact Statement was submitted with the planning application.

##### Relevant European Sites

The Conservation Objectives and Qualifying Interests for the two European sites for which a Stage 2 Appropriate Assessment is required are set out below.

Site Name	Qualifying Interests
Lower River Suir SAC 002137	1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1092 White-clawed Crayfish <i>Austropotamobius pallipes</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaite Shad <i>Alosa fallax fallax</i> 1106 Salmon <i>Salmo salar</i> 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) 1355 Otter <i>Lutra lutra</i> 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 3260 Water courses of plain to montane levels with the

	<p>Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>91J0 Taxus baccata woods of the British Isles.</p>
<p>River Barrow and River Nore SAC (002162)</p>	<p>1016 Desmoulin's whorl snail <i>Vertigo moulinsiana</i></p> <p>1029 Freshwater pearl mussel <i>Margaritifera margaritifera</i></p> <p>1092 White-clawed crayfish <i>Austropotamobius pallipes</i></p> <p>1095 Sea lamprey <i>Petromyzon marinus</i></p> <p>1096 Brook lamprey <i>Lampetra planeri</i></p> <p>1099 River lamprey <i>Lampetra fluviatilis</i></p> <p>1103 Twaite shad <i>Alosa fallax</i></p> <p>1106 Atlantic salmon (<i>Salmo salar</i>) (only in fresh water)</p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 Salicornia and other annuals colonizing mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>1355 Otter <i>Lutra lutra</i></p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>1421 Killarney fern <i>Trichomanes speciosum</i></p> <p>1990 Nore freshwater pearl mussel <i>Margaritifera durrovensis</i></p> <p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>4030 European dry heaths</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of</p>

	<p>the montane to alpine levels</p> <p>7220 * Petrifying springs with tufa formation (Cratoneurion)</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>91E0 * Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>19</p>
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### Lower River Suir SAC (002137) - Brief Description of Site

11.4.2. Lower River Suir SAC consists of the freshwater stretches of the River Suir. The Suir and its tributaries flow through the counties of Tipperary, Kilkenny and Waterford. Salt meadows occur below Waterford City in old meadows where the embankment is absent, or has been breached, and along the tidal stretches of some of the in-flowing rivers below Little Island. The Lower River Suir contains excellent examples of a number of Annex I habitats, including the priority habitats alluvial forest and Yew woodland. The site also supports populations of several important animal species, some listed on Annex II of the Habitats Directive or listed in the Irish Red Data Book. The presence of two legally protected plants (Flora (Protection) Order, 1999) and the ornithological importance of the site adds further to the ecological interest and importance.

#### Conservation Objectives

- To restore the favourable conservation condition of salt meadows (*Glauco-Puccinellietalia maritima*); Mediterranean salt meadows (*Juncetalia maritimi*); Old sessile oak woods with Ilex and Blechnum in the British Isles; Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)\*; Taxus baccata woods of the British Isles\*; Freshwater Pearl Mussel; Sea Lamprey; Brook Lamprey; River Lamprey; Twaité Shad and Atlantic Salmon.
- To maintain the favourable conservation condition of Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-*

Batrachion vegetation; Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels; White-clawed Crayfish and Otter.

#### River Barrow and River Nore SAC 002162 - Brief Description of Site

11.4.3. This site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive. Furthermore, it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Freshwater Pearl Mussel, which is limited to a 10 km stretch of the Nore, add further interest to this site.

#### Conservation Objectives

- To maintain the favourable conservation condition of Desmoulin's whorl snail; White-clawed crayfish; Estuaries; Mudflats and sandflats not covered by seawater at low tide; Salicornia and other annuals colonizing mud and sand; Killarney Fern; Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion*; European dry heaths; European dry heaths; Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels and Petrifying springs with tufa formation (*Cratoneurion*).
- To restore the favourable conservation condition of Brook lamprey; Sea lamprey; River lamprey; Twaité shad; Salmon; Atlantic salt meadows; Otter; Mediterranean salt meadows; Nore freshwater pearl mussel; Old oak woodland with *Ilex* and *Blechnum* and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).
- The status of the freshwater pearl mussel (*Margaritifera margaritifera*) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species.



## **Surveys Undertaken**

- 11.4.4. To inform the NIS, a number of ecological assessments were undertaken, including field assessment of the site and an Atlantic Salt Meadow Assessment (June and July 2018) at/near the existing SWOs (surface water outfalls) that discharges into the River Suir and associated SAC at King's Channel.
- 11.4.5. The study site does not currently support habitats or fauna that are qualifying interests of the Natura 2000 sites under consideration here and/or are of ex-situ ecological value for such qualifying interests.
- 11.4.6. An Atlantic Salt Meadow Assessment (ASM), as noted above, has been undertaken given raw sewage overflow from the nearby Island View pumping station that discharges via the SWOs has been cited as a potentially relevant impact in relation to Atlantic Salt Meadow 1330 present nearby. The ASM was previously assessed in 2007, therefore this could be compared against the recent study from June/July 2018 to determine if changes and/or impacts have occurred from the occasional overflow of raw sewage release via the combined SWOs. The assessment results state that no significant change in saltmarsh structure at or immediately adjacent to the combined outfall at King's Channel or along the lower section of the tidal creeks and pans linked to King's Channel was noted in 2018 to suggest that occasional nutrient inputs from raw sewage overflow associated with the Island View pumping station via the SWOs (point pollution) is driving succession at the western section of the study area. There has been no apparent change to key attributes for ASM habitat except for changes in area, which appears to be as a result of natural tidal erosion and succession to brackish/freshwater habitats.

### Surface Water

- 11.4.7. There is potential for indirect effects on the Lower River Suir SAC and River Barrow and Nore SAC by way of habitat loss or deterioration from surface water run-off through impacts such as increased siltation, nutrient release and/or contamination. Such indirect effects include increased siltation, nutrient release and/or contamination. Surface water run-off associated with the development will discharge via the public storm sewer network via a freshwater tributary of Blenheim Stream which ultimately discharges to the Lower River Suir Estuary, including the two SACs referred to above.

- 11.4.8. Standard best practice environmental controls (i.e. soil and water management) to protect the surrounding environment will be implemented during construction and operation to minimise any potential risk of surface and/or groundwater pollution through, siltation, nutrient release and/or contamination (see outline oCEMP submitted as part of this application, Chapters 6 and 7 of this EIAR, Engineering Planning Report MAL 2019a and supporting documents). The NIS notes that while primarily designed to address environmental risks associated the residential development site only, these standard best practice environmental controls, will also serve to minimise potential construction phase run-off impacts into the wider environment including the River Suir (and Lower River Suir SAC and River Barrow and River Nore SAC), even if this is not the primary aim of these protection measures.
- 11.4.9. As construction works progress, and during the operational phase, the (i.e. controlled and restricted to 2 litres per second per hectare, MAL 2019a) will be directed into the existing public surface-water sewer network, which discharges to a tributary of Blenheim Stream (and as such ultimately the River Suir) at Dunmore Road. The surface water drainage infrastructure for the proposed development has been designed with reference to the GDSDS with standard environmental controls including; controlled run-off rates, surface water attenuation, SuDS and flow control; providing for 100-year storm events, swales, surface water infiltration and permeable paving (see MAL 2019a). Based on the appropriate surface water management design, the study site is not at risk of fluvial flooding and it will not contribute to any possible flooding to downstream lands (MAL 2019b). As all surface water discharge (up to 100-year storm event) will be adequately controlled on site, prior to controlled discharge to the tributary of the Lower River Suir, there is no potential for contaminated discharge entering the River as a result of surface water discharge from the proposed development site. The NIS states that while the proposed surface water management will be specific to the study site development and the River Suir, it will also minimise any potential run-off impacts to the wider environment, including the Lower River Suir SAC and River Barrow and River Nore SAC.
- 11.4.10. Taking the above into consideration, no indirect habitat loss or deterioration of either SAC in relation to contaminated surface-water run-off arising from the

construction/operational phases of the proposed development at the study site is deemed likely.

- 11.4.11. Based on the surface water management proposals, together with the location of the surface water discharge point, controlled freshwater inputs from the proposed development (up to 100 year storm event) are unlikely to influence the brackish or saline concentrations of the large tidal water volume and as such promote a vegetative community shift (i.e. change in salt marsh habitat structure or succession to different plant communities less tolerant of current estuarine tidal conditions). While the proposed surface water management will be specific to the site development and the River Suir, it will also minimise any potential freshwater influences on saline/estuarine habitats in the wider environment, including the Lower River Suir SAC and River Barrow and River Nore SAC.
- 11.4.12. The design of the surface water drainage infrastructure for Knockboy is such that it will not discharge to Island View pumping station and as such will not add to or influence the current volume of surface water entering/triggering the SWOs at King's Channel.
- 11.4.13. Taking the above into consideration, no indirect habitat loss or deterioration of the Lower River Suir SAC and River Barrow River Nore SAC in relation to freshwater influence arising from surface-water drainage associated with the proposed development at the study site is deemed likely.

#### Waste-Water/Foul Effluent Discharge

- 11.4.14. A potential hydrological link also exists between waste water/effluent discharge from the study site and designated Natura 2000 sites within the River Suir/Lower River Suir Estuary transitional waterbody, including The Lower River Suir SAC and The River Barrow and River Nore SAC.
- 11.4.15. When the study site connects to the existing public foul sewer network all waste water/foul effluent drainage arising from the study site (construction and operational) will discharge to this sewer network for transfer and treatment at Waterford City Wastewater Treatment (WWTP) located at Gorteens, which ultimately discharges to the River Suir and as such The Lower River Suir SAC. The River Barrow and River Nore SAC, is located downstream of the WWTP discharge point in question (c. 3.1km downstream).

11.4.16. Prior to waste-water/effluent the transfer to Waterford City WWTP, the local authority drainage infrastructure transfers waste water/effluent drainage to Island View pumping station, where it is subsequently pumped onwards to the WWTP. As described earlier, Island View pumping station has a combined sewer overflow (CSO) and emergency overflow (EO) system (collectively surface water overflows SWOs, after RPS 2019, see Appendix B of NIS), which when triggered occasionally (by excess surface water ingress), discharges to the Lower River Suir Estuary at Little Island/King's Channel. Due to the location of this SWOs discharge point there is a potential for indirect hydrological impacts, which in turn could impact on water quality and on associated nearby habitats (e.g. saltmarsh habitat; a subsite of Atlantic Salt Meadow ASM 1330 habitat located at the SWOs discharge point), including qualifying interests of the Lower River Suir SAC and downstream River Barrow and River Nore SAC.

11.4.17. As noted previously, an Atlantic Salt Meadow Assessment (ASM) was undertaken in June/July 2018 to determine if changes and/or impacts have occurred from the occasional overflow of raw sewage release via the combined SWOs. The assessment results state that no significant change in saltmarsh structure at or immediately adjacent to the combined outfall at King's Channel or along the lower section of the tidal creeks and pans linked to King's Channel was noted in 2018 to suggest that occasional nutrient inputs from raw sewage overflow associated with the Island View pumping station via the SWOs (point pollution) is driving succession at the western section of the study area. There has been no apparent change to key attributes for ASM habitat except for changes in area, which appears to be as a result of natural tidal erosion and succession to brackish/freshwater habitats. An assimilative capacity assessment of the River Suir (RPS 2019) examined the potential impacts that will arise from the additional sewage loading from the proposed development to the SWOs and ultimately to the Lower Suir Estuary on key factors that could potentially affect the attainment of any of WFD Objectives (RPS 2019). Based on this assessment, it is considered that the negligible increase in nutrient and BOD concentrations will not impact on the Lower Suir Estuary and as such nearby Natura 2000 sites (RPS 2019). Overall, it is considered that the additional loading from the development will have an 'undetectable impact' on the receiving water and will not represent any risk to the achievement of the water

body's environmental objectives (under Article 4 of the WFD). As noted, the negligible increases are due to a significant dilution effects due to the large flows from the River Suir (RPS 2019).

11.4.18. With regard to treated sewage from the Waterford WWTP, the NIS notes that the plant is currently compliant with regard to its licenced emissions, where its discharge does not have an observable negative impact on water quality or Water Framework Directive status of the receiving waters of the River Suir. Furthermore, the treatment plant has significant capacity to accept the additional organic PE loading arising from the development, and Irish Water has also verified that the foul connection to the public network and associated WWTP can be accommodated. In this regard, no indirect habitat loss or deterioration from operational wastewater arising from the development is likely.

11.4.19. While there are other qualifying interests for both SACs where water quality is a specific attribute/target (e.g. Freshwater Pearl Mussel *Margaritifera margaritifera*, White-clawed Crayfish *Austropotamobius pallipes*, Twaité Shad *Alosa fallax*, Atlantic Salmon *Salmo salar* and Watercourses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche* *Batrachion* vegetation), such qualifying interests are more relevant to upstream locations than the transitional waterbody section of both SACs downstream here.

11.4.20. Taking the above into consideration, no indirect habitat loss or deterioration on either SAC via operational phase waste-water arising from the development and treated at Waterford WWTP is deemed likely.

11.4.21. Disturbance/displacement impacts are not considered relevant here due to distances involved and where the study site does not support habitats of high ecological value for mobile faunal qualifying interests of the relevant designated sites under consideration.

11.4.22. Recreational/amenity use was not documented within areas of Atlantic Salt Meadow. The development does not include for any specific access to the Atlantic Sal Meadow area.

11.4.23. Flooding/floodplain impacts are not considered relevant as the development site is not at risk of fluvial flooding and the proposed surface water drainage is

designed such that it will not contribute to any possible flooding of downstream lands.

#### Conclusion

11.4.24. Having regard to the assessment above and the suite of construction and operational phase soil and water management measures to be implemented, I am satisfied that the proposed development would not have the potential to affect the Lower River Suir SAC and River Barrow and River Nore SAC and their conservation objectives.

#### In Combination Effects

11.4.25. Potential in-combination effects are set out in section 5.2 of the NIS and considers the potential cumulative effects arising from a number of other permitted and proposed housing developments in the vicinity. Potential cumulative impacts on biodiversity in respect of loss/change in habitat and associated flora and fauna is not considered of concern. In relation to cumulative effects; taking the surface-water management proposals incorporated into this development, which compliments the 2013-2019 Waterford City Development Plan policies through the inclusion of attenuated storm-water and separation of surface and foul water, and assuming that all other housing developments closely adhere to best practice regarding soil and water management during construction and operational phases, as proposed, then a potential for cumulative significant effects on the Lower River Suir SAC and River Barrow and River Nore SAC as a result of land take and/or cumulative drainage impacts (sewage and/or surface/ water inputs) from the proposed development site in combination with other known and/or permitted developments in the associated locality is deemed unlikely. Having regard to the information set out in therein, I am satisfied that no cumulative impacts arise.

#### **Overall AA Conclusion**

11.4.26. I note that no objections to the proposed development have been raised by the Heritage Officer of Waterford County Council and the report states they are satisfied that the development will not give rise to adverse impacts on the integrity of the River Suir SAC and River Barrow/River Nore SACs.

11.4.27. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, I am satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European Site no. 002137 (Lower River Suir SAC) and European Site no. 002162 (River Barrow and River Nore SAC), or any other European site, in view of the sites Conservation Objectives.

## 12.0 Environmental Impact Assessment

### 12.1. Introduction

12.1.1. The subject site is 9ha in area and proposes the development of 361 residential units and a childcare facility. Section 172 of the Act states that an EIA shall be carried out for certain classes of development. Part 2 (10) (b) (i) of Schedule 5 relates to the 'construction of more than 500 dwellings' and 10 (b) (iv) relates to '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 is subthreshold and is not subject to EIA, however, the applicant states that having regard to the size and scale of the proposed development, the proposed use of natural resources, the relative environmental sensitivity of the location, and the types of potential impacts, it was deemed prudent to prepare an EIAR and that in accordance with Article 299A of the regulations, the application should be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

12.1.2. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies, observers and applicant has been set out at Section 7.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Water
- Biodiversity
- Material Assets – Traffic and Transport

- Landscape and Visual Impact

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

- 12.1.3. The EIAR is laid out in one volume including appendices and a separate non-technical summary. The introductory chapters outline the proposed development, legislation and methodology. Chapter 2 examines alternatives and chapter 3 describes the proposal in detail, including construction and operational stages. Cumulative impacts in terms of changes to the development and secondary developments were considered and cumulative impacts are further assessed within the individual chapters. Interaction of significant impacts is considered in chapter 15. Mitigation measures are addressed within each section, with a schedule of mitigation measures presented in chapter 16.
- 12.1.4. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.
- 12.1.5. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above.

## 12.2. **Vulnerability of Project to Major Accidents and/or Disaster**

- 12.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO, as noted under section 4 on population and human health and so there is no potential for impacts from this source. I consider there are unlikely to be any effects deriving from major accidents and or disasters.

## 12.3. **Alternatives**



12.3.1. The submitted EIAR does not include any specific consideration of alternative sites or alternative processes. The land is zoned within the Waterford City Development Plan 2013-2019 and has been subject to a higher level SEA, and alternative sites would have been considered. Alternative processes were not considered as this land is designated for this type of development. A do-nothing scenario is addressed within each chapter. I consider it reasonable that alternative sites and processes were not considered. The applicant has considered alternatives in terms of design, layout, scale, quantum, and density, including the planning history of the site, within the existing site constraints, having regard to the site's topography and accessibility. The reasons for selection of the proposed development layout and design are set out within chapter 2. It is considered that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the competent authority in the EIA process.

#### **12.4. Assessment of the Likely Significant Direct and Indirect Effects**

12.4.1. The likely significant direct and indirect effects of the proposed development are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape
- The interaction between the factors referred to in points (a) to (d).

#### **Population and Human Health**

12.4.2. Chapter 12 of the EIAR addresses population and human health.

12.4.3. The existing baseline environment was established through site visits and desk based studies of CSO data, ESRI quarterly commentary and national, regional, and local planning documents.

- 12.4.4. Existing services in the area include St. Mary's church (listed building in the NIAH) and cemetery, two primary schools and a number of suburban housing estates. Childcare facilities in the area are also identified.
- 12.4.5. There are no man-made industrial sites or processes (including SEVESO II Directive Sites) in the vicinity which would be likely to result in a risk to human health and safety.
- 12.4.6. During construction, a positive impact in terms of employment and economic activity is anticipated. In addition benefits in terms of an increase in residents and resultant increase in vibrancy and vitality of the area is identified. Short term construction phase impacts are identified including construction traffic and surface contaminants, dust, exhaust emissions, noise, littering, and increased traffic. Each of these issues are dealt with in the relevant chapters of the EIAR. Operational phase impacts are considered to be unlikely. The design allows for safe movement and open spaces have been designed to be inviting, safe and conveniently located.
- 12.4.7. Mitigation measures are set out in relation to the construction and operational phases of development. A CEMP will be prepared by the contractor and implemented during the construction phase and additional mitigation measures are included within each chapter and the impacts overall are considered to be short-term, temporary and neutral. In terms of operational phase impacts, these are considered to be long term and positive to population and human health due to the growth and expansion of the neighbourhood contributing to the existing and future population. A do nothing scenario is considered where the land remains undeveloped and underutilised.
- 12.4.8. I have considered all the documentation and written submissions made in relation to population and human health. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in relation to population and human health.

### **Biodiversity**

- 12.4.9. Chapter 5 of the EIAR examines biodiversity.

12.4.10. A series of baseline surveys were undertaken between October 2018 and March 2019 to inform the biodiversity chapter of the EIAR including habitat, flora, bird, hedgerow appraisal, birds, mammals (non-volant), bats and other taxa. Desktop reviews of available data from the NPWS, NBDC, and EPA were also undertaken, as well as Waterford City Development Plan and associated SEA. It is stated that the habitat and botanical study was undertaken on the 11<sup>th</sup> and 28<sup>th</sup> February which is outside the optimal period (ie April to September inclusive), however where vegetative growth was present, this was assessed. The hedgerow survey was carried out on 8<sup>th</sup> March (just outside the optimum period) however the main shrub and tree species could be easily identified outside the flowering season. The bat survey was undertaken in late autumn 2018 at a time of year when bat activity is expected to have greatly reduced from its summer peak as bats will be moving from summer/breeding roosts to winter roosts, however the 2018 summer bat season extended further into autumn due to drier milder weather conditions typically experienced at that time of year (as per reference to Autumn 2018 climatic statements by met eireann). Having regard to the nature and character of the site, I am satisfied with the extent and methodology of the surveys undertaken, including the time of year they were undertaken.

12.4.11. No Annex I habitats are present within the application site and no botanical species protected under the Flora (Protection) Order 2015, listed in Annex II or IV of the EU Habitats Directive (92/43/EEC). There are three historic records of rare or protected plant species in the wider area. It is stated that while taking seasonal constraints into account, given the inland location of the study site together with a lack of suitable habitat requirement and /or substrates, these protected flora species are unlikely to occur here. I accept this analysis. No invasive species were recorded.

12.4.12. Three site specific hedgerow surveys were undertaken (fig 5.1, chapter 5 of EIAR). Hedgerow 1 runs north-south across the site where it forms a now redundant internal field boundary. Hedgerow 2 is situated along the southern boundary of the site adjoining the public/farm access track. Hedgerow 3 is situated on the eastern boundary of the site. Hedgerow 1 and 3 were considered to be in an unfavourable condition and hedgerow 2 was favourable. Hedgerow 2 was considered highly significant historically as it appears on 1<sup>st</sup> edition OS maps as a townland/parish

boundary. Hedgerow 1 and 3 are also considered highly significant historically as they appear as boundaries on 1<sup>st</sup> edition OS maps.

12.4.13. A total of 21 bird species were recorded during the transect surveys undertaken. No species that are listed on Annex 1 of the EU Bird Directive were recorded. One red listed species, Yellowhammer *Emberiza Citrinella*, of high conservation concern nationally, was recorded, with their declining breeding population due primarily to changing farm practices. They are associated with crop production as they forage in open arable crop fields and breed in suitable nearby hedgerows (although it is stated the overall hedgerow structure on the application site appears inadequate at present). Three amber listed species of medium conservation concern in Ireland were recorded, Robin (affected by exceptionally cold winter in 2010), Linet and Starling, the latter two being species of European conservation concern. Two additional bird species of conservation interest on the NBDC database observed are the Blackheaded Gull (red listed in Ireland) and the House Sparrow (amber listed in Ireland). Overall the study site is considered to be of lower local importance for bird species, however, at present the arable fields provide foraging habitat for Yellowhammer and as such the study site is considered of high local importance of this species. I note the other species of birds identified do not breed on the site or depend on the site for foraging.

12.4.14. There was evidence of fox and rabbit on the site. No badger setts or signs were noted. The study site is considered to be of lower local importance for mammals (non volant) species overall.

12.4.15. Three bat species were confirmed using the study site during the passive detector study and 41 registrations of an unknown bat species that could not be identified. All the bat species identified were considered to be relatively widespread and common nationally. The residential area of the study site currently provides commuting and feeding opportunities for bats through the presence of linear/edge woody habitat features (hedgerow/treeline). While the study site does not currently support roosting opportunities for bats, existing linear/edge woody features will support commuting/feeding bats associated with roosts in the wider area including any such roosts that may exist within houses of the nearby urban environment. The study site is therefore considered to be of higher local value for bats overall.

12.4.16. No other taxa of interest were recorded for the study site. It is stated that the site surveys were completed in October 2018 and February and March 2019, which is a sub-optimal time for recording many other taxa species of (for example) Lepidoptera and Odonata. While a number of invertebrate species have been recorded for the 1km grid square surrounding the study site, just one insect – mayfly *Leptophlebia marginata* (Ephemeroptera) is listed as a threatened species (Vulnerable) in Ireland. None are listed on Annex II of the EU Habitats Directive. The hedgerows, treeline, small areas of scrub and grassy verge on the site provide suitable habitat for other taxa, however, due to intensive agricultural management in the past and as such the low diversity and abundance of regenerating flora, the existing fallow arable fields are considered of lower local value for most other taxa species at present.

#### Impact on European Sites

12.4.17. The biodiversity chapter of the EIAR examines the potential for direct and indirect impacts on designated European sites in proximity to the application site. There will be no direct impacts to any designated conservation sites as the site is not within or adjoining a European site. The nearest designated conservation areas to the site are the King's Channel pNHA and the Lower River Suir SAC. It is stated that there is a potential indirect hydrological link between the study site and the following designated nature conservation sites via surface-water and/or waste water inputs: King's Channel pNHA; Lower Suir SAC; River Barrow and River Nore SAC; Barrow River Estuary pNHA; and Waterford Harbour pNHA.

12.4.18. Surface-water and waste-water impacts apply to the River Suir (and associated designated sites) where surface-water run-off associated with the site will discharge via the public sewer network at Dunmore Road and waste-water/foul effluent will discharge via the public foul sewer network and associated Island View pumping station and Waterford City WWTP. I refer the Board to section 11 of this report in relation to Appropriate Assessment and also section 10.8 of this report on Water Services.

12.4.19. Potential construction and operational phase effects on biodiversity associated with aquatic habitats in the wider area are considered imperceptible

neutral with the implementation of soils and water management proposals. I refer the Board to section 11 of this report in relation to Appropriate Assessment.

#### Impact on Habitats and Fauna at the Site

12.4.20. With regard to construction impacts on habitat and flora, it is stated that the main habitats which will be directly impacted by construction works are habitats of lower local importance; arable crop (BC1), scrub (WS1) and grassy verge (GS2). One section of semi-natural hedgerow (WL1) and an area of planted/modified immature woodland (WS2), habitats of higher local importance will also be directly impacted by the proposed development. All remaining semi-natural (boundary) hedgerows (WL1) will remain in place, where they will form part of the final landscaping design for the study site and as such all remaining semi-natural habitat will be maintained, protected during construction works and enhanced as part of the proposed landscaping masterplan (see Landscape Masterplan Drawing Number L101 of this EIAR). There will be a permanent increase in modified habitat; buildings and artificial surfaces (BL3), as a result of the proposed development which will lead to a slight negative impact on semi-natural habitats and flora species at the site and surrounding locality. There will also be a permanent increase in other modified habitats; amenity grassland (GA2), ornamental/non-native shrubberies (WS3) and mixed native/non-native species woodland as a result of the proposed development.

12.4.21. A landscape masterplan is proposed as part of this development which includes mixed (native/non-native) woodland planting, new native hedgerow planting and enhancement (of existing hedgerows), ornamental shrubberies and the creation of small areas of new native wildflower grassland/verges (c. 780 sq. m) (see Landscape Masterplan Drawing Number L101 of this EIAR), and which will allow/maintain connectivity between habitats at the study site and in the surrounding locality. Taking the above into account this increase in modified habitats will have a neutral impact on semi natural habitats and flora at the site and surrounding locality. The landscape plan also provides for replacement woodland planting to replace permanent loss of one section of immature woodland with overall impact being neutral imperceptible as a result. In addition, similar hedgerows, woody habitats, grassland are also available in the surrounding suburban gardens and parkland habitats as well as an extensive rural/agricultural environment further afield such that affected fauna can move into the wider area and move back to the site and adjoining

area as the development is completed and landscaped areas are created. It is also acknowledged that the extent of habitat loss in question is relatively limited; as just one section of hedgerow (c. 148m) and one area of immature woodland (c. 1,390m<sup>2</sup>) will be removed to accommodate the development footprint, with all remaining semi-natural boundary hedgerows and immature woodland and non-native treeline maintained as is.

- 12.4.22. Potential effects on habitats and flora at the site arising from the operational phase of the proposed development are considered neutral and as new planting/landscaping matures the effects on semi-natural habitats and flora may be slight positive, while potential operational phase effects on habitats and flora associated with aquatic habitats in the wider area are also considered neutral with the implementation of the soils and water management proposals, together with the operational phase site drainage design.
- 12.4.23. In terms of mitigation for habitats and fauna during construction, standard best practice environmental controls (soil and water management) will be implemented to minimise any potential risk of surface and/or groundwater pollution through, siltation, nutrient release and/or contamination (see outline oCEMP submitted as part of this application, Chapters 6 and 7 of this EIAR and the engineering planning report; MAL 2019a). Such management proposals will adequately reduce any potential risks arising as a result of construction works on site and hydrological or water quality impacts on aquatic habitats and flora in the wider environment. While primarily designed to address environmental risks associated with construction works at the residential development site only, these standard best practice measures, will also serve to minimise potential construction phase run-off impacts on aquatic habitats and flora in the wider environment (River Suir and associated designated sites), even if this is not the primary aim of the protection measures. In addition a number of other construction mitigation measures are proposed during the construction phase in relation to habitats, flora, and fauna.
- 12.4.24. Due to the permanent loss of suitable foraging habitat for the Yellowhammer bird, which cannot be replaced, the operational phase of the proposed development will have a permanent significant negative effect and an overall moderate negative effect on this species in line with existing baseline trends. Other fauna, particularly other seed eating bird species such as wintering flocks of Chaffinch, Goldfinch and

Linnets will also be negatively affected by the permanent loss of fallow arable crop, although such species are not as closely tied to cereal farming as Yellowhammers and as such the permanent loss of arable crop will have a slight negative impact on other fauna through a loss of potential foraging habitat.

- 12.4.25. Potential effects on habitats and flora at the site arising from the operational phase of the proposed development are considered neutral and as new planting/landscaping matures the effects on semi-natural habitats and flora may be slight positive, while potential operational phase effects on habitats and flora associated with aquatic habitats in the wider area are also considered neutral with the implementation of the soils and water management proposals, together with the operational phase site drainage design.
- 12.4.26. Cumulative impacts have been considered, in particular the development of other greenfield sites in the locality and consideration of indirect links to European designated sites.
- 12.4.27. A range of mitigation measures are set out in the EIAR including soil and water management proposals, restrictions on habitat removal and protection of trees/hedgerows being retained, landscaping proposals, hours of operation, felling of trees/removal of hedgerow will not take place during the bird breeding season (March to August), restrictions on flood lighting, operational phase lighting scheme etc.
- 12.4.28. I have considered all the documentation and written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in relation to biodiversity.

### **Land and Soil**

- 12.4.29. Chapter 6 of the EIAR addresses land, soil and geology.
- 12.4.30. The site is underlain by the Ballynaclogh Formation, consisting of green basaltic to andesitic lavas, tuffs and agglomerates interbedded with grey to black silty mudstone. Another formation also is present, which represents an intermediate



volcanic-dominated formation within the Ballynaclogh formation. The site is in the area of a regionally important aquifer.

- 12.4.31. Construction impacts relate to the loss of agricultural land, which is not considered significant at a regional level. Given the topography of this site, it is anticipated that significant earthworks will be required during the construction of the proposed development. The potential impacts associated with the construction phase of the proposed development is the excavation, handling, storage, processing and transport of earthworks materials. The estimated volume of excavation anticipated during the construction phase is of order 65,000 m<sup>3</sup>. The potential risk to construction workers from contaminants during the earthworks is likely to be low. The impact to soils and geology are considered to be Minor and short term in nature. Construction activities may also involve noise, dust, odour and site traffic generation issues as well as potential contamination issues arising with the use of fuel storage tanks, vehicles and the use of paints and oils.
- 12.4.32. There is the potential for contamination of the soils and geology during the operational phase of the proposed development from hydrocarbon leaks from vehicular traffic which could potentially leak into the ground via the surface water drainage network.
- 12.4.33. Should soils become contaminated during the construction phase of the proposed development these soils will be stockpiled onsite, sampled, and tested against the waste acceptance criteria as set out in the appropriate National directives and such soils would be disposed of to a suitable receiving facility. A Construction Environmental Management Plan (CEMP) will be prepared and implemented by the Contractor to detail the mitigation measures required during construction, including bunding around diesel/petrol storage tanks and vehicle maintenance areas; stripping of existing surfaces will not be undertaken until absolutely necessary to avoid any uncontrolled surface water runoff. The CEMP will provide details of procedures for monitoring and reporting the environmental effects of the proposed development during construction.
- 12.4.34. With regard to the operational phase, oil interceptors will be installed within the surface water network to intercept any potential hydrocarbon spillages.

12.4.35. I have considered all the documentation and written submissions made in relation to land and soil. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in relation to land and soil.

### **Air and Climate**

12.4.36. Chapter 9 of the EIAR addresses climate and air quality.

12.4.37. The existing ambient air quality at and in the vicinity of the site is stated to be typical of an out of city urban location and as such, domestic and commercial heating sources and road traffic are identified as the dominant contributors of hydrocarbon, combustion gases and particulate emissions to ambient air quality.

12.4.38. Air quality monitoring was undertaken in Ireland in 2017, with zone c applicable to the subject site. Nitrogen dioxide, sulphur dioxide, carbon monoxide, particulate matter PM10, particulate matter PM2.5 and benzene were assessed and below the recommended averages established for zone c by the Air Quality Regulations 2011. A baseline air quality monitoring was undertaken in January 2019 at the boundary locations of the application site, with testing undertaken for nitrogen oxides, sulphur dioxide, and BTEX, with the results significantly below annual limit values.

12.4.39. During enabling and building site and infrastructure construction works, the main impact will be dust generated by earthworks, construction activity and construction machinery. The impact will be a potentially minor impact on local air quality and sensitive receptors provided that all mitigation measures are implemented. In terms of climate, CO<sub>2</sub> will be released as a result of the movement of construction vehicles, however emissions will occur over a short period of time (three years) which will not result in an adverse impact on the local micro or broader macro climate.

12.4.40. The operational impact will be slight on local air quality, primarily as a result on the heating of new buildings and with increased traffic movements associated with the development. Traffic movements, as set out in the TIA, will not result in an adverse impact on local air quality at any of the junctions and it is predicted that the

impact of car engine exhaust emissions will have a negligible impact on local ambient air quality. Use of public transport e.g. local bus services will reduce emissions.

12.4.41. The design and construction of all buildings in accordance with National Building Regulations shall ensure that modern building materials are used and that they are designed to be thermally efficient resulting in a reduction in the volume of fossil fuels required to heat the buildings. It is predicted that fossil fuel combustion gas emissions including Carbon Dioxide, Sulphur Dioxide, Nitrogen Oxides, Carbon Monoxide and hydrocarbon particulate emissions will be slight and will not have an adverse significant impact on the existing ambient air quality in the vicinity of the proposed development site. All proposals for development shall seek to meet the highest standards of sustainable design and construction with regard to the optimum use of sustainable building design criteria such as passive solar principles and also green building materials.

12.4.42. The operational impact in terms of climate has been assessed. The overall development includes the construction of buildings and roadways, which will have the effect of marginally raising local air temperatures, especially in summer. It is predicted that the proposed development will not have an adverse impact on micro-climate at the nearest residential properties or on the local receiving environment in the vicinity of the site boundaries. The proposed development includes structures which will have a minor impact on the local micro-climate by means of wind shear effects. There will however be no unacceptable impact within or beyond the overall site. Motor vehicles are a major source of atmospheric emissions thought to contribute to climate change, however, vehicle exhaust emissions generated from site related vehicles will have a negligible impact on the macro-climate given modern technological developments in cleaner and more efficient vehicle engines. The scheme has been designed to provide thermally efficient buildings which will reduce the consumption of fossil fuels within each individual dwelling. This will reduce the impact the operational phase of the development will have on the micro and macro climate. In particular, there will be no “traditional” passive air vents in the apartments which are both thermally and acoustically inefficient and if possible, Mechanical Ventilation and Heat Recovery (MVHR) systems shall be incorporated into the design of the apartments. The thermal efficiency of the buildings will ensure that the

development will be sustainable and will be protected against the impacts of future climate change which can include high winds, storm events and prolonged colder periods during the winter season. The EPA's Integrated Pollution Prevention and Control (IPPC) Licensing Application Guidance Notes, 2012 define the threshold of boiler emissions for the categorisation of major or minor emissions. As a general rule, gas boilers over 5 MW are regarded to be significant and categorised as a major emission. There will be no gas boilers in excess of 5MW on this site.

- 12.4.43. The EIAR sets out a series of mitigation measures for the construction stage, including inter alia, stockpiled topsoils shall be covered and shall be eventually re-used in landscaping works; avoid unnecessary vehicle movements and manoeuvring; to minimise dust during dry spells, surfaces will be sprayed with water and wetting agents; aggregates shall be transported to and from the site in covered trucks only, etc. and a programme of air quality monitoring shall be implemented at the site boundaries for the duration of the construction phase activities and where limits are exceeded dust generating activities shall immediately cease and alternative working methods shall be implemented. No anticipated operational impacts in terms of air emissions are anticipated, therefore no mitigation measures are specified for the operational phase.

#### Noise

- 12.4.44. Chapter 8 of the EIAR addresses noise and vibration. A baseline noise survey has been undertaken with noise monitoring carried out at six locations. The dominant source of noise at all locations was traffic movements along Saint Mary's Place/Ballygunner Hill Road. There was no real tonal noise present.
- 12.4.45. The noise and vibration impact of the proposed development has been predicted for both the construction and operational phase of the development. At construction phase, impacts in terms of noise and vibration from machinery has been considered. At operational, noise impacts from car parking, additional vehicles on the road, crèche activities and buildings services have been considered.
- 12.4.46. Mitigation measures are proposed in relation to construction activities, including inter alia, construction hours, channels of communication, monitoring, selection of plant with low inherent potential for generation of noise and/or vibration, erection of noise barriers. Vibration will be limited to values sets within the report. IN

terms of operational impacts, mitigation is proposed in relation to plant including selection of quiet plant items, duct mounted attenuators on the atmosphere side of air moving plant, solid barriers screening external plant and anti-vibration mounts on reciprocating plant.

12.4.47. I have considered all the documentation and written submissions made in relation to air, climate and noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in relation to air, climate and noise.

### **Water**

12.4.48. Chapter 7 of the EIAR addresses hydrology and water services. I refer the Board to section 10.8 of this report above on water services and also section 11 on Appropriate Assessment.

12.4.49. The site of the proposed development is located within the catchment of the Hill Blenheim Stream which discharges to the Suir River via the King's Channel. The catchment of the Hill Blenheim Stream has been estimated at 158.2 hectares and the proposed development site covers an area of c8.9 hectares (i.e. of order 5.6% of the catchment). The proposed development will discharge to a tributary of the Hill Blenheim Stream.

12.4.50. There is an existing surface water sewer 40m to the south of the junction of St. Mary's Place and The Village that flows in a westerly direction and then heads north where it is understood to discharge into an existing stream north of the Dunmore Road which in turn discharges into the Kings Channel.

12.4.51. There is an existing foul drainage gravity network close to the site which falls in a northerly direction. The proposed development is within the drainage catchment of the Island View pumping station which, in turn, pumps sewage via a rising main to Waterford City Waste Water Treatment Plant.

12.4.52. The water supply for the area comes from a public supply and there is an existing 250 mm diameter watermain located in St. Mary's Place.

### Construction Impacts

12.4.53. Potential impacts which could have a negative impact on the existing surface water network in the area, include elevated silt load as a result of construction activities and hydrocarbons entering the surface water system as a result of an accidental spillage. The existing foul drainage network will experience an increase in demand due to the use of the facilities by construction staff. While such an increase will have a negative impact on the foul water drainage network it will be imperceptible and will be short-term in nature. The existing water supply network will experience an increase in demand due to the use of the facilities by construction staff. While such an increase will have a negative impact, it will be imperceptible and will be short-term in nature.

### Operational Impacts

12.4.54. It is proposed to discharge the surface water runoff from the proposed development to an existing surface water sewer manhole which is located within the existing carriageway of the Dunmore Road. The surface water runoff from the proposed development will be restricted to 2 litres per second per hectare, by incorporation of SuDS measures, surface water attenuation storage units, and flow control devices. Such a discharge will not have an adverse impact on flood risk or adjoining land users downstream.

12.4.55. The completion of the proposed development will result in an additional peak foul water discharge of 10.1 litres/second to the Island View pumping station. Such an increase will result in a minor negative impact on existing foul drainage network. RPS were commissioned to carry out an assessment titled SWO Discharge Assessment Report, which also addressed cumulative impacts from other proposed development in the area that will also be serviced by the proposed sewerage collection system. Within this report it is stated that the likely impacts that will arise from the additional loading from the development to the SWOs and ultimately to the Lower Suir Estuary have been examined in the context of a number of factors that could potentially affect the attainment of any WFD Objectives. The main risk is associated with the water quality in the Lower River Suir, which is designated as an SAC. The mass balance assessment indicates that the proposed development will not have an impact on the Lower Suir Estuary, and as such, given the negligible

increase in nutrient and BOD concentrations will not impact other nearby Natura 2000 sites, such as the River Nore and River Barrow SAC immediately downstream of the Suir. On this basis it is concluded that the proposed development will not have significant effects on the WFD environmental objectives associated with the Lower Suir Estuary, nor is it likely to impact on the qualifying habitats and species of the Lower River Suir SAC or the River Nore and River Barrow SAC.

12.4.56. Increased water usage will have a minor negative impact on the existing water supply network.

#### Mitigation Measures

12.4.57. A Construction Management Plan will be prepared which will address, inter alia, all necessary discharge licences and permits to be obtained; construction method statement; provision of settlement ponds; and measure to prevent liquid materials entering the drainage system. Connection to the foul sewer network will be by agreement with Irish Water.

12.4.58. In terms of operational phase mitigation, a new 300mm diameter piped foul water sewer will be constructed to connect to the existing system. In the event of flooding during an extreme rainfall event, water will be channelled away from buildings and in particular entrances to buildings. Oil interceptors will be utilised and will be fitted with alarmed devices to indicate when their maximum storage capacity has been reached and will be maintained as part of the overall maintenance programme for the development.

12.4.59. I have considered all the documentation and written submissions made in relation to water. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in relation to water.

#### **Material assets (including Traffic and Transport)**

12.4.60. Chapter 12 addresses material assets. Chapter 11 deals with traffic and transport.

#### Material Assets

12.4.61. With regard to material assets, the receiving environment is described in relation to the built environment/land, access and ownership, transport infrastructure (existing buses, public footpaths and cycle lanes), water supply, foul drainage, surface water drainage, telecommunications, natural gas, electricity supply, waste management and external lighting.

12.4.62. The construction and operational impact on each of these material assets is addressed. A range of construction related mitigation impacts are outlined within other chapters of the EIAR, specifically chapters 6 (soil and geology), 7 (water service), 11 (traffic and transport) and 13 (waste management). In terms of operational impacts, while there will be increased demand on water services, power, telecommunications and transport infrastructure, provided mitigation measures are implemented, the proposed development is predicted to have a neutral-long term impact on material assets.

#### Traffic and Transport

12.4.63. Chapter 11 of the EIAR refers to Traffic and Transport. A separate Traffic and Transport Assessment has been submitted with the application and is referred to in the EIAR. I refer the Board to section 10.7 of my report above, which provides further details on the TTA.

12.4.64. The potential operational impacts of the proposed development on adjacent junctions, as set out in the TTA, is summarised within the EIAR as follows:

- Dunmore Road/St. Mary's Place: The junction of Dunmore Road/St. Mary's Place is a priority (uncontrolled) crossroads junction. The results of the assessment of this junction during the weekday morning and evening peak periods indicate that the junction will operate within capacity for each of the assessment years 2020, 2025 and 2035.
- St. Mary's Place/Williamstown Road (L1023): The junction of L1023/Kilcaragh Park/St. Mary's Place is a signalised crossroad junction. Junction capacity analysis was undertaken using TRL's software package OSCADY. Using the existing signal data and cycle times the junction will exceed capacity during the PM Peak during the future assessment year 2035. However, by increasing the cycle time from 90 seconds to 95 seconds, the junction will operate within capacity for each of the assessment years 2020,



2025 and 2035. The issue of vehicles queuing through this junction is not a capacity issue, but rather a queuing issue resulting from the schools' proximity to the junction.

- Proposed Development Junction with St. Marys Place and The Village:  
The proposed location of the development access will create a new uncontrolled crossroads linking the development with St. Mary's Place and the existing Village development. The analysis indicates that the junction will operate within capacity for each of the assessment years 2020, 2025 and 2035 for both the AM and PM peak periods.

12.4.65. In conclusion, the traffic analysis demonstrated that there is sufficient capacity within the existing road network to accommodate the increase in traffic as a result of this development.

12.4.66. Cumulative impacts were considered, however the EIAR does not list these. The TTA states that additional development related traffic was considered in addition to growth of background traffic in the future assessment years and indicates the vacant land in the development opposite called 'The Village' was factored into the assessment of the development junction with the Knockboy Road. The EIAR concludes that there is no potential for significant cumulative impacts on traffic and transportation.

12.4.67. Construction phase impacts include impacts from construction vehicle movements. Prior to commencement of development, it is proposed to prepare a detailed Construction Traffic Management Plan.

12.4.68. An outline Mobility Management Plan has been submitted with the application. To mitigate operational impacts, it is proposed to appoint a mobility manager who will be involved in monitoring the modes of travel of the occupants on an annual basis. At the outset of occupation of the development it is proposed that the mobility manager would provide new residents with a Travel Welcome Pack providing full details of transport options, cycle/walking maps and information on local services; induction sessions for new households and follow up visits are proposed; and it is proposed to instigate and regularly update a centrally located travel notice board providing travel information.

### Waste Management

12.4.69. The potential impacts in terms of waste management during construction and operational phases has been assessed. Mitigation measures in terms of construction waste involves the development of a project specific Waste Management Plan to ensure effective waste management and minimisation with the appointment of a waste manager during construction to monitor actual waste volumes being generated and to ensure that all contractors and subcontractors are segregating waste as required. Top soil and sub soil generated from excavations are anticipated to be reused on site. If excavated material is to be taken off-site, the contractor will endeavour to ensure that material is reused or recovered off site or disposed of at an authorised facility.

12.4.70. For the operational phase a structured approach to waste management will promote resource efficiency and waste minimisation, with provision for waste to be stored in appropriate bins and other receptacles in designated, easily accessible areas of the site.

12.4.71. Conclusion: I have considered all the documentation and written submissions made in relation to material assets. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in relation to material assets.

### **Cultural Heritage and the landscape**

12.4.72. Chapter 10 addresses landscape and visual impacts. Chapter 14 addresses cultural heritage.

#### Cultural Heritage

12.4.73. A detailed field inspection was undertaken. Licenced geophysical survey and targeted test trenching were undertaken. Two features of archaeological interest were identified in the geophysical survey – a pit feature and a circular feature of a probable small bronze age round house. The latter feature has been severely impacted by ploughing. The remains of a vernacular structure were identified during the field walk over inspection. Mitigation measures to address these are proposed for the development project. The rubble on the site should be removed from the

vernacular structure and the exposed building should be archaeologically excavated (ie preserved by record) in advance of development. The oval pit identified should be archaeologically excavated (ie preserved by record). Due to the fragile nature of the circular structure identified should be archaeologically excavated (ie preserved by record) in advance of development, even if located in a proposed green area. There are no operational cultural heritage impacts predicted for the residential phases. Archaeological monitoring is not required should mitigation measures in relation to the discoveries be employed.

### Landscape

- 12.4.74. Chapter 14 of the EIAR addresses landscape and visual factors. I refer the Board also to section 10.5 of this report.
- 12.4.75. A Landscape and Visual Impact Assessment including photomontages have been prepared in relation to this development. I am satisfied that the viewpoints selected allow for an adequate assessment of overall visual impacts.
- 12.4.76. The site is located at the urban edge of Waterford City. The site is elevated with levels varying across the site, with the highest point being to the southeast and the lowest point adjoining the Ballygunner Road. The land is agricultural in nature with large fields and hedgerows around the outer perimeter, with one north-south hedgerow to the eastern end of the site.
- 12.4.77. The site layout provides for a main east-west distributor road accessed from the southwest and traversing the site, with a secondary east-west street north of this. The taller apartment blocks, 3-4 storeys in height, are positioned along the western boundary with the public road/Ballygunner Road and also along the central-southern section of the site, adjoining the southern side of the east-west distributor road. Two-storey dwellings are provided across the majority of the site. The largest open space is provided at the eastern higher end of the scheme.
- 12.4.78. In terms of impacts, the EIAR describes construction stage impacts and operational impacts.
- 12.4.79. In terms of operational impacts, the development will significantly alter the landscape with the loss of agricultural land to an urban residential use, changing the character of the area. The scheme will be visible from the adjoining public road and

from certain vantage points in the wider landscape, as demonstrated in the photomontages submitted. The impact on local views will be dramatic but ameliorated by the quality of the building design and landscape. Views from the wider landscape will be limited by existing topography, vegetation and the existing built environment. In terms of mitigation it is stated the layout has been carefully considered with the largest open space located at the highest part of the scheme and the higher apartment blocks located downhill of same. A landscaping plan is proposed with tree and other planting plans. In the long term, the maturation of boundary planting will further screen the development. It is noted that the site is zoned for this type of development and so this level of change has been pre-empted in the planning context. The particular design and layout establishes a new suburban layout while not negatively impacting on the landscape character of the area. The predicted level of change on the landscape character is expected to be moderate-neutral.

- 12.4.80. Cumulative impacts in terms of other residential developments have been considered. The visual impact is not considered to be excessive within the existing suburban context and given the sensitive design proposed.
- 12.4.81. Construction level impacts identified include construction works, land excavations, temporary structures, machinery and scaffolding on the site; removal of some vegetation and hedgerows; dust and noise impacts to the surrounding; large machinery and work vehicles going to and from the site; and construction workers coming and going from the site.
- 12.4.82. Mitigation measures will be incorporated within a construction management plan, including good site management and housekeeping practices; areas set aside for open spaces will be fenced off with no compounds or storage of materials in these areas; it is recommended that contractor retain an arborist to ensure successful retention of trees and hedgerows and to monitor and advise on any works within the root protection zones of retained trees. The visual impact of the site compounds and scaffolding are of a temporary nature and therefore no remedial action is proposed.
- 12.4.83. I have considered all the documentation and written submissions made in relation to cultural heritage and landscape. I am satisfied that the identified impacts

would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in relation to cultural heritage and landscape.

### **Interaction between the factors**

12.4.84. Chapter 15 of the EIAR considers the potential interactions between the different factors. The significant interactions are identified as follows:

- Population and human health with soils, water, noise, air, landscape, material assets.
- Biodiversity with soils, water, noise, landscape.
- Soils with water, air, landscape, and cultural heritage.

12.4.85. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. There are no potential significant negative interactions. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

12.4.86. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

### **Reasoned Conclusion on the Significant Effects**

12.4.87. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Potential indirect effects on Water, which will be mitigated during the occupation of the development by the proposed surface water management and attenuation proposals and the drainage of foul effluent to the city's sewerage system and which will be mitigated during construction by appropriate management measures.
- Potential direct effect on Biodiversity, which will be mitigated through the proposed landscaping scheme and retention of existing hedgerows. Potential impacts to bats will be mitigated through appropriate lighting design. General disturbance and displacement of fauna will be mitigated through a range of measures including restrictions on habitat removal and felling of trees, hours of operation etc.
- Potential Traffic and Transportation impacts, which will be mitigated by the phasing of the development, design of the development entrance and by the completion of local road improvement measures.
- Potential significant direct effect on Landscape and Visual Impact by the change in use and appearance of a relatively large site from agricultural to residential use. Given the location of the site within the city area and the need for housing this effect would not have a significant negative impact on the environment. Construction of the proposed apartments and housing, would also be mitigated through the design and layout of the scheme, retention of existing trees and hedgerows where feasible, replacement planting and the proposed landscape plan.

The proposed development is not likely to have significant adverse effects on population and human health, land, soil, air, climate or cultural heritage.

12.4.88. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. They would not require or justify refusing permission for the proposed development or require substantial amendments to it.

## 13.0 Recommendation

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

## 14.0 Reasons and Considerations

1. Having regard to the site layout and urban design, specifically the poor interface of the south-eastern section of the development with the adjoining undeveloped zoned open space lands, the gated design of apartment blocks 4-9, overall poor disposition and quality of the pocket parks and communal amenity areas, and to the number of cul-de-sacs in the northern section of the development, which overall gives rise to a conflict with the Design Manual for Urban Roads and Streets (2013, as amended) and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (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.
2. An east-west street serving houses 164-174 within the proposed development is located within an area of zoned open space. The Board considers that the proposed development within the zoned open space would materially contravene the zoning objective and objective 7.7.2 of the Waterford City Development Plan 2013-2019. The Board pursuant to the provisions of section 37 (2)(b) of the Planning and Development Act, 2000, is precluded from the granting of planning permission for the proposed development as none of the provisions of section 37 (2)(b ) (i), (ii), (iii) or (iv) of the said Act apply in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Una O'Neill  
Senior Planning Inspector

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14<sup>th</sup> August 2019



## **Appendix 1**

### **Third Party Submissions**

1. Adrian and Lisa Murphy
2. Brian Foley
3. Catherine Kenny
4. Cnoic Caislean Residents Association
5. Donal and Sinead Donohue
6. Donal Loughnane
7. Fr. Liam Power
8. Frank Byrne
9. Graham and Tracey Doyle
10. Hillary O'Sullivan
11. John Flynn
12. Maria Sheehan
13. Martina Selmia
14. Michael Power
15. Paul and Laura Fleming
16. Paul Fitzpatrick and Linda Sheahan
17. Sean Lyons
18. Stephen O'Connor
19. The Village Residents' Committee
20. Thomas Phelan
21. Val Lambe