



An
Bord
Pleanála

Inspector's Report

ABP-312657-22

Development	Construction of 77 no. dwellings.
Location	Duckspool, Co Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	21346
Applicant(s)	S & K Carey Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	John McGrath and Lucia Quealy.
Observer(s)	N/A.
Date of Site Inspection	5 th of May 2022.
Inspector	Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 3.69ha is located at Duckspool, Dungarvan to the north-east of Dungarvan Town Centre. The site, which is currently in agricultural use, forms part of a larger agricultural landholding which fronts onto the L3168. The L3168 adjoins the southern boundary of the site and the site is adjoined by existing residential development to the west and south west and the Abbesside GAA Club to the north west. The site is bounded to the north and east by greenfield agricultural fields.
- 1.2. The southern and western site boundaries are defined by a mature hedging and treeline boundary. The northern and eastern site boundaries are undefined. Access to the site is provided via the L3168. Existing site levels rise from 2-2.5m along the southern site boundary to 6.5m to the north of the site.

2.0 Proposed Development

- 2.1. The proposed development, as amended in response to Waterford City and County Council's request for further information, comprises the construction of 75 no. dwellings on site. Pedestrian and vehicular access to the site is provided via the L3168 to the south of the site. The development includes landscaping, boundary treatments, alterations to site levels and all associated site development works.
- 2.2. Drawing no. PP-04 includes a Phasing Plan for the proposal which illustrated that 39 units to the south of the site will be delivered in Phase 1 and the remaining 36 will be delivered in Phase 2. Table 1 below provides an overview of key development statistics.

Table 1: Key Figures	
Site Area	3.69 ha
No. of Residential Units	75 houses
Unit Mix	Type A: 4 bed semi-detached – 8 no. units. 136.41m Type B: 3 bed semi-detached – 28 no. units. 104.72m.

	<p>Type C: Terrace – 8 no. units (2 bed). C1 81.25m, C2 93.42m.</p> <p>Type D – 4 bed detached – 5 no. units. 141.94m.</p> <p>Type E- 3 bed bungalow – 1 no. unit- 126.25m.</p> <p>Type F – 3 bed semi-detached – 4 no. units. 105.36m</p> <p>Type G – 4 bed detached – 1 no. unit. 141.94m,</p> <p>Type H – 4 bed semi-detached – 6 no. units – 136.41m to 141.25m.</p> <p>Type I – 4 bed semi-detached – 4 no. units- 136.41m- 141.25m.</p> <p>Type J – 3 bed semi-detached – 6 no. units- 104.72m.</p> <p>Type K – 3 bed semi-detached – 4 no. units. 104.72m.</p>
Density	20 units per hectare gross
Car Parking	In curtilage – 2 per dwelling, 12 no. visitor parking spaces
Height	5.9m to 9.4m
Bicycle Parking	42 no. visitor spaces

2.3. The application drawings indicate a future option to convert the attic and provide sun rooms in a number of the unit types (Types A, B, D, H ,I,J and K). The applicant provided clarification in response to the planning authority’s request for further information that these conversions are not proposed as part of the current application.

3.0 Planning Authority Decision

3.1. Decision

Waterford City and County Council issued a notification of decision to grant permission for the proposed development in accordance with the following reasons and considerations:

“Having regard to the nature of the development proposed, the zoning provisions governing the area, and the type of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.”

The decision of the Council to grant permission for the development was subject to 25 no. conditions. The following conditions are of note:

- Condition no. 3: Relates to a Section 48(2)c contribution in respect of improvements to road infrastructure (provision of a roundabout at the Burgery).
- Condition no. 17: relates to the submission of a landscaping plan for written agreement of the planning authority prior to the commencement of development.
- Condition no. 20: Outlines that all windows shall be glazed in obscure glass. Reason: In the interests of privacy and amenity of adjacent houses.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (16th of June 2021)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised.

- The application site forms part of a larger landbank where a Master Plan was envisaged, the key issue being that the lands to the north and north-west can be accessed and serviced appropriately without a requirement for traffic to

exist to the N25. This has not been adequately addressed within the application.

- The proposed sightlines do not comply with the requirements of the Waterford County Development Plan or DMURS. The requirements of the Road Section relating to street hierarchy, cycleway, traffic calming, and junction safety should also be addressed in a revised layout.
- A Development Impact Assessment should be submitted in accordance with Development Plan requirements. A phasing plan should also be submitted.
- Concerns are raised in relation to the quantum and quality of public open space within the development. Revised proposals are required.
- Private open space should be provided in accordance with Development Plan standards to the rear of the building line.
- Revised plans are requested which provide dual frontage to units at access roads, corners, junctions and adjoining public open space. The revised proposals shall also address the expanse of blockwork walls along sections of footpath within the development.
- Revised boundary treatment is requested for the western site boundary. The proposed retention of the natural boundaries where screened by a 2m wall has little merit.
- Clarification of proposed attenuation areas and storm water proposals is required. Confirmation is required from Irish Water that there is capacity for the development.
- Based on the information submitted with the application, WCCC has considered the nature, size and location of the proposed development in the context of the criteria set out in Schedule 7 of the 2001 Regulations and is satisfied that EIA is not required.
- The Planning Authority's Screening Assessment concludes the following:
"Having regard to the location of the subject site and to the nature of intervening distance with the identified Natura 2000 sites, I consider that no appropriate assessment issues arise in the case. In my opinion the proposed

development either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 site”.

Planner’s Report (10th of January 2022)

The planner’s report on the FI response recommends a grant of permission subject to conditions. The following provides a summary of the key points raised:

- The revised site layout plan addresses Master Plan requirements for the lands. The adjoining lands are not compromised by the proposal. The layout as submitted illustrates how the adjoining lands can be served without the requirement for direct access to the N25. The applicant has sufficiently responded to the concerns of WCCC.
- The applicant has demonstrated that sightlines can be provided at the proposed site entrance in accordance with relevant standards. The revised layout addresses the concerns of WCCC.
- A Development Impact Assessment and Phasing Plan has been submitted in response to Item 3 of the FI request. The DIA sets addresses the receiving environment of the development and addresses capacity within services and infrastructure to accommodate the proposal. The Phasing Plan includes provision of 39 no. dwellings in Phase 1 and 36 no. dwellings in Phase 2. The applicant has sufficiently responded to the concerns raised by WCCC.
- The number of dwellings has been reduced within the development from 77 to 75 to facilitate a central green area/public open space of 15% of the site area. This has addressed the concerns of WCCC.
- A schedule of private open space is provided. While the level of private open space is below Development Plan standards, higher density smaller private open space must be considered in the context of the overall development.
- The design of dwellings has been revised to provide dual frontage (dwellings 8,9,50,57,58,62,66,71 and 75). The extent of bounding 2m walls has also been reduced to provide an active frontage. The revised proposals are considered acceptable.

- Revised boundary treatments have been proposed which include the replacement of the existing hedgerow with a brickwork wall. The revised proposals are considered acceptable.
- The applicant has submitted correspondence from Irish Water stating that connection to public services can be facilitated. Details have been provided for attenuation volumes and site run off areas.

Other Technical Reports

Joint Roads Section Report (15th of June 2021)

- No objection in principle to the development. Design alterations to the layout are requested in relation to the layout of the proposed access road, footpath and entrance to adjacent GAA grounds as follows:
 - The design of the roadway shall follow principles of sustainable transport,
 - A full width shared cycleway and footpath is required from the proposed entrance location to the adjacent GAA grounds.
 - The layout and type of junction between the proposed access road and the Local Primary Road L3168 must be revised to safely and efficiently cater for all traffic movements both current and future.
 - Provision must be made to allow for future access to the possible development on lands adjoining the proposed development.
 - WCCC Roads Section examined the overall area as part of the proposed new Development Plan and there are proposals to address traffic flows in the area.

Water Services Section (15th June 2021)

- A request for further information is recommended in relation to surface and storm water proposals.

Heritage Officers Report (15th of June 2021)

- Having reviewed past aerial imagery the site appears to have been used for tillage more than continuous pasture and on this basis, it is stated that it is not a foraging site for Brent Geese. Knowledge of Brent Geese in the Duckspool

area confirms their use of the opposing lands but no there's no knowledge of them using the subject site. Significant effects on the qualifying interests of the Dungarvan Bay SPA are screened out.

- Reference is made to site mapping for Brent Geese in Dungarvan in a report being prepared for the SHD application to the south of the site.

Water Services Report (7th of January 2022)

- No objection subject to conditions.

Road Section Report

No objection subject to condition.

The report provides the following response to the points raised within the TII submission:

- A roundabout is proposed at the burglary which will alleviate traffic issues. A special contribution is required towards the cost of this roundabout.
- In the shorter term the active travel programme will be creating a modal shift away from car use and bringing improved cycle and walking infrastructure to the area alleviating the pressure on parking and traffic movements at the school.
- The proposed new access to the GAA field will result in improved safety on the N25.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (28th of June 2021)

- The Authority is of the opinion that insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- It is recommended that a revised and updated TTA is carried out which assesses the impact of the proposed development on the junction of the N25/L3618 in accordance with the guidelines outlined in the TII Traffic and

Transport Assessment Guidelines (2014). The TTA shall consider the cumulative impact of other adjoining development lands on the N25 junction.

Transport Infrastructure Ireland (13th of December 2021)

- TII's position remains as per correspondence dated 28/06/2021.

Irish Water

Correspondence from Irish Water attached to the applicant's response to the further information confirms the following:

- Water Connection – Feasible without infrastructure upgrade by Irish Water.
- Wastewater Connection – Feasible subject to Upgrades. The required upgrades are not on Irish Water's investment plan. It is envisaged that the delivery of the required infrastructure will take c. 3 years to complete.

3.4. **Third Party Observations**

The following provides a summary of the points raised within the submissions on the application within the initial statutory consultation period:

- Concerns are raised in relation to the lack of a Masterplan in accordance with the requirements of Objective D07 of the Waterford County Development Plan. The development would result in a piece meal development to the detriment of the area through failure to provide the social, community and infrastructure obligations.
- Impact on the Residential Amenity of adjoining residents – in terms of overlooking and devaluation of property. The proposed heights are considered excessive. It is requested that the bungalows are relocated to the party boundary adjoining the single storey dwelling. Concerns are raised in relation to noise impact and anti-social behaviour.
- Traffic Impact - Concerns are raised in relation to the scope and content of the TIA and the assumptions used.
- Infrastructural issues – insufficient capacity within local sewer network and treatment plan.

- Flood risk associated with the development- the proposal will lead to wider flooding issues.
- The proposal is considered premature.

The application was subject to a request for further information. The FI response was deemed significant and readvertised. 3 no. submissions were received. The following provides a summary of points raised within the FI request:

- Many of the concerns raised within the original submissions have not been addressed.
- Concerns are raised relating to the lack of a Master Plan.
- Reference is made to the lack of consultation with adjoining residents.
- Flood Risk concerns are raised.
- Traffic impact and cumulative traffic impact associated with the SHD development permitted at the opposite side of the road.
- Concerns raised by TII have not been addressed.

4.0 Planning History

- 4.1.1. There is no record of a previous planning history on site. The following provides a summary of recent and relevant applications within the vicinity of the site.

Lands to the South: ABP Reference: 310782-21

- 4.1.2. Permission granted by An Bord Pleanala in October 2021 for a Strategic Housing Development comprising 218 no. residential units (176 no. houses, 42 no. apartments), creche and associated site works on lands to the south of the site at the opposite side of the L3168.

5.0 Policy Context

5.1. Development Plan

Waterford City and County Development Plan 2022-2028

- 5.1.1. The application was assessed by Waterford City and County Council in accordance with the policies and objectives of the Waterford County Development Plan 2011-2019 (as varied and extended). The Waterford City and County Development Plan 2022-2028 was adopted by Waterford City and County Council on the 7th of June 2022 and came into effect on the 19th of July 2022. I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan namely the Waterford City and County Development Plan 2022-2028.

Core Strategy

- 5.1.2. Dungarvan (including Ballinroad) is designated as a Key Town within the City and County Settlement Hierarchy (Table 2.2).

Zoning

- 5.1.3. The site is primarily zoned Objective R1- *“To provide for new residential development in tandem with the provision of necessary social and physical infrastructure”*. Dwelling/Principal Private Residence is listed as a use which is “permitted in principle” on lands zoned for residential purposes.
- 5.1.4. The northern portion of the site in which the access road is located on lands zoned for Open Space and Recreation purposes with an objective: *“To preserve and provide for open space and recreational amenities”*. Dwelling is listed as a use which is “open for consideration” on lands zoned for open space and recreation purposes.

Specific Development Objectives:

- 5.1.5. The following mapped specific development objective is identified along the L3168 to the east of the site:

Specific Development Objective DGD018 - DO18: “Promote and facilitate enhanced active travel infrastructure across and within the Duckspool area from the Clonea Road to Scoil Garabhain, St. Augustine’s College and the GAA grounds in addition to new vehicular access from Friary College Road to the GAA grounds”.

Phasing

- 5.1.6. Section 2.11.2 of the Development Plan relates to the tiered approach to zoning identified within the plan. Lands zoned for new residential development within the plan are identified as either Phase 1 or Phase 2 lands. The Plan outlines that the

phasing approach seeks to ensure that development on larger land holdings follows a sequential pattern and in this regard the following should be noted:

- All lands zoned for new residential development (R1) are considered to be developable during the lifetime of the Development Plan.
- R1 zoned lands not specifically identified as phase 2 shall be considered phase 1.
- Within any landholding all phase 1 lands shall be developed or committed to development prior to any development being proposed/permitted on phase 2 lands within that landholding.
- All planning applications for development on phase 2 lands shall be supported by documentation to clearly identify that phase 1 lands within the landholding have been developed out, are committed to development and that the implementation of any such permitted development is imminent, or that phase 1 lands are not available within the landholding.

5.1.7. Table 2.3 relates to Residential Phasing and outlines that 21.39 ha within the Dungarvan and Ballinroad area are designated as Phase 1 lands and 16.09 ha are designated as Phase 2 lands. The appeal site is designated as Phase 2 lands within Figure 2.7 of the Development Plan.

5.1.8. Table 2.4 sets out the Core Strategy Table. This identifies a land use requirement of 11ha to deliver the minimum housing target. A target residential density of 30 units per hectare is assumed for Key Towns. The core strategy identifies that the provision of lands for new residential development seeks to consolidate existing residential areas close to the historic core of Dungarvan. The Plan includes the following specific reference to the recent SHD decision at Duckspool in the vicinity of the appeal site:

“The recent decision by An Bord Pleanála to permit a Strategic Housing Development in Duckspool based on the land use zoning objectives of the Dungarvan Town Development Plan 2012-2018 is noted however it is considered that any change to the land use zoning objectives of the Plan to support this decision would be contrary to the stated vision, strategic goals and outcomes of the Plan

which seek to sustainably develop Dungarvan by way of compact, sequential and town centre first development”.

Flood Risk

5.1.9. The southern portion of the site is located within Flood Zones A and B.

- Policy Objective UTL 10 seeks to ensure that: *“all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management –Guidelines for Planning Authorities 2009”, “Climate Action and Low Carbon Development Act” (2021), and any amendment thereof, and the “Waterford Strategic Flood Risk Assessment” (2021) as included in Appendix 13”.*

5.1.10. The Strategic Flood Risk Assessment is attached as Appendix 13 of the Waterford City and County Development Plan 2022-2028.

Core Strategy Policy Objectives

5.1.11. The following policies and objectives of the Plan are of relevance:

- CS 03 Compact Growth - In a manner consistent with NPO 34 and 35, we will promote and support an efficient, equitable and sustainable pattern of residential and other development that delivers compact growth and critical mass for sustainable communities in Waterford, by managing the level of growth in each settlement.
- CS 13 Settlement Strategy - In a manner consistent with the settlement typologies and respective policy objectives of the SRSES, we will: *“Support the development of Dungarvan/Ballinroad as a Key Town of significant influence in a sub-regional context and a Gaeltacht Service Town”.*

General Housing Policy Objectives:

- H 02 In granting planning permission, we will ensure new residential development:
 - Is appropriate in terms of type, character, scale, form and density to that location.
 - Is serviceable by appropriate supporting social, economic and physical infrastructure.

- Is serviceable by public transport and sustainable modes such as walking and cycling.
 - Is integrated and connected to the surrounding area in which it is located; and,
 - Is designed in accordance with the applicable guidance and standards of the time: Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), Delivering Homes, Sustaining Communities (2007), Urban Design Manual A Best Practice (2009), Permeability Best Practice NTA (2015); and, Design Manual for Urban Roads (DMURS) (2020) or any update thereof, National Disability Inclusion Strategy (NDIS) 2017-2022 and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).
- Policy Objective “Place 10” relates to the provision of design statement for medium to large scale planning applications (15+ residential units or over 500 sq.m.).

Transportation

Chapter 5 of the Development Plan relates to Transport and Mobility. The following Policy Objectives are of relevance:

- Trans 09 Connectivity and Permeability: Ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future. Access should be also provided to adjoining amenities such as Greenways, Walkways and other recreational areas and have regard to ‘Ireland’s Government Road Safety Strategy 2021–2030.
- Trans 41 National Roads: Avoid the creation of any additional access points from new development or the material increase in traffic using existing access points to National Roads, to which a speed limit of greater than 60 kph applies in accordance with the requirements set out in the Spatial Planning and National Road Guidelines, DECLG (2012).

- Trans 42 In order to protect the future safety and carrying capacity of the N25 approach road to Dungarvan from Waterford City, new access points for single dwellings will be prohibited within the speed limit zone up to Coolagh Road Roundabout. It is the intention of that strategic access points and road provision will be considered in the Dungarvan Local Area Plan. The Councils preference is that future access points within land banks east and west of the N25 within this area are provided by alternative road provision and not from the N25.

Development Management

5.1.12. Development Management Standards for Residential Development are set out within Volume 2 of the Waterford City and County Development Plan 2022-2028. Section 3 relates to Development Management Standards for residential development. The following standards are of relevance:

- Development Management DM04 - Applications will be required to adhere to the guidance contained in the 'Urban Design Manual - A Best Practice Guide' (Department of the Environment, Community and Local Government, 2009). The design of schemes should promote best practice in architectural design, consistent with the aims of the 'Government Policy on Architecture 2009-2015' (Department of Environment, Community and Local Government, 2009) to support good architectural quality.
- Density

5.1.13. Section 3.2 relates to residential density in the Waterford City and County Area. The Plan outlines that: *"In the application of densities, it is also important to recognise and reflect the function and character of the urban area (i.e. city, towns, villages and settlement nodes), as set out in the settlement hierarchy in Volume 1: Section 2.9 - Table 2.2"*.

5.1.14. The Plan furthermore outlines that in assessing applications for residential development, the Planning Authority will seek to implement the density standards set out in the ministerial guidelines 'Sustainable Residential Developments in Urban Areas' (DoEHLG 2009), the Specific Planning Policy Requirements (SPPR) of the Urban Development and Building Heights Guidelines for Planning Authorities (2018)

and Circular Letter NRUP02/2021 along with those provided in the Core Strategy of this Development Plan.

5.1.15. Development Management Objective DM05 states that in all instances the following will be taken into consideration:

Development Objective DM05:

- Proximity to public transport bus stops.
- Proximity to neighbourhood and district centres.
- The extent to which the design and layout follows a coherent design brief resulting in a high-quality residential environment.
- Compliance with qualitative and quantitative criteria.
- The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas.
- Existing topographical, landscape or other features on the site.
- The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.
- Where the opportunity exists to increase density and building heights in pursuit of compact, regeneration, sequential and transit-oriented development, and where it can be demonstrated that the development management standards set out in the Development Plan may in certain circumstances be counter to achieving these principles of sustainable urban development, we will consider such proposals on their own merits having regard to the relevant S28 Guidelines in place at the time.
- Mix of Dwelling Types

5.1.16. Planning applications for 15+ residential units will be required to incorporate a variety and choice of housing units by type and size to meet differing household needs and requirements, as informed by the HNDA.

5.1.17. Development Management Objective DM06 outlines that the design statement shall address criteria including: details of existing and permitted unit types within a 10

minute walk of the development, a breakdown of unit types in accordance with national policy guidance, 20% of all dwelling must be designed as lifetime homes.

- Standards

5.1.18. Table 3.1 sets out General Standards for New Residential Development in Urban Areas. The following standards are of relevance:

- Public Open Space- 15% of total site area;
- Private Open Space – In accordance with the standards set out in Table 3.2. (1-2 bed 50 sq.m., 3 bed -60 sq,m. and 4 + bed – 75sq.m.). A reduced standard can be considered for smaller houses but the area must not be less than 50sq.m.
- Minimum Separation Distance – 22m between directly opposing windows. 2.2m between side walls of detached, semi-detached and end of terrace dwellings.
- Section 5.17 sets out a requirement for a minimum of 20 childcare spaces for every 75 dwellings.
- Table 7.1 Car Parking Standards – 3 bed + 2 spaces. Visitor parking at a rate of 1 space for every 4 units provided with only 1 space
- Table 8.1 sets out Minimum Sightline Requirements. Sightlines of 70m at 4.5m are required for entrances from the 50 km/ph speed limit area.
- Development Management DM47: The design of urban streets in Ireland is governed by DMURS which is mandatory for all urban roads and streets within the 60 km/h urban speed limit zone except for: - Motorways; and - In exceptional circumstances, certain urban roads and streets with the written consent of the relevant Sanctioning Authority. The Council will require that all new development or the intensification of existing entrances onto the public road network is provided for in a safe manner in accordance with the current Transport Infrastructure Ireland publications.

5.1.19. Appendix 17 of the WCCDP relates to the tiered approach to zoning within the County. This provides an assessment of lands which are zoned to accommodate residential development over the plan period. Section 5 relates to the

Dungarvan/Ballinroad Site Identification and outlines that in relation to Dungarvan/Ballinroad the Dungarvan Town Development Plan 2012 – 2018 and the Waterford County Development Plan 2011 - 2017 included c.73 ha of zoned land for residential purposes. 6 ha have been developed over the lifetime of the Plan. The appeal site is specifically identified as a site to support the sustainable growth of the town. The Site-Specific Infrastructure Assessment set out in Table 5b outlines that the site is served by Roads, Footpaths, Water and Waste Water Supply. The assessment outlines that the site is not served by public transport and its development is not considered to constitute compact growth or co-ordinated development.

5.2. Regional Spatial and Economic Strategy for the Southern Region

5.2.1. Dungarvan is identified as a Key Town within the RSES for the Southern Region. Key towns have a large population with an urban centre which functions as a self-sustaining regional driver. Key towns are also strategically located urban centres that play a significant role in strengthening the urban structure of the region. It is envisaged that local authorities will also plan for significant growth in designated Key Towns.

5.2.2. Regional Policy Objective 24 sets out 8 no. objectives for the development of Dungarvan. The following objective is of relevance:

a. To strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and in its sub-regional role as a Gaeltacht Service Town, leveraging its strategic location along the Waterford Cork N25 route and to build upon its inherent strengths including historical, cultural and architectural heritage, digital connectivity, skills, innovation and enterprise, tourism (in particular the Waterford Greenway and its potential sustainable expansion), culture and retail services. In respect of its importance to the environment, to tourism, to fishing, and to aquaculture (niche industries supporting rural employment), this RSES supports the environmentally sustainable development and treatment of Dungarvan Harbour and coastline;

5.3. National Planning Framework (2018)

5.3.1. The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- *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 Policy Objective 13: In urban areas, planning and related standards, including in particular building 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 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 residential density 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.*

5.4. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009;
- Circular NRUP 02/2021;
- Urban Design Manual, A Best Practice, 2009;

- Design Manual for Urban Roads and Streets, 2013;

5.5. Natural Heritage Designations

The following designated sites are located within 15km of the appeal site.

- Dungarvan Harbour SPA - 300m
- Dungarvan Harbour PNHA- 300m
- Helvick Head to Ballyquin SPA - 6.2km
- Mid-Waterford Coast SPA - 5.8km
- Glendine Wood SAC - 1.7km
- Helvick Head SAC - 6.2km
- Helvick Head PNHA – 6.2km
- Blackwater River (Cork / Waterford) SAC - 8km
- Comeragh Mountains SAC - 8.2km
- Ballyvoyle Head to Tramore PNHA - 6km
- Comeragh Mountains PNHA – 6km

5.6. EIA Screening

- 5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development falls within the categories of 'Infrastructural Projects', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10(b)

- (i) Construction of more than 500 dwelling units.
- (iv) 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. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

- 5.6.2. The proposal is for 75 no. residential units on a site of 3.69ha. The site is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The proposed development

falls below the development threshold and mandatory EIA is therefore not required. The site is located within the environs of Dungarvan. The nature of development within the vicinity of the site is defined by a mix of residential, commercial, educational and recreational land uses. The development will not have an adverse impact in environmental terms on surrounding land uses.

5.6.3. I have given consideration to whether sub-threshold EIA is required. The introduction of a residential development on a serviced and zoned site within the environs of Dungarvan will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any designated Natura 2000 site as detailed further in Section 7 of this report.

5.6.4. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Waterford City and County Council, upon which its effects would be marginal.

5.6.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within the existing environs of Dungarvan, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.6.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been lodged by John McGrath and Lucia Quealy in respect of Waterford City and County Council's notification of decision to grant permission for the development. The following provides a summary of the grounds of appeal:

Masterplan

- A masterplan is required in accordance with Policy D07 of the Waterford County Development Plan as varied and extended. This point was raised by the planning authority at pre application meetings and within the request for further information. The applicants have failed to submit a masterplan proposal.
- The applicant's contention that it is not possible to prepare a Masterplan for lands not within their ownership is a direct contradiction from the correspondence on file from McCutcheon Halley Chartered Planning Consultants attached as Appendix B of the appeal which outlines the willingness of the adjoining landowner to engage with the applicant to develop a masterplan.
- The applicants FI response does not address the requirements for a Masterplan. No details are provided in relation to how adjoining lands will be laid out and developed. No consideration appears to have been given to topography, features, zoning etc. of these lands.
- The development contrasts with the permitted SHD at Duckspool which appropriately included a layout/masterplan to show how it would not preclude

development on adjacent lands. Furthermore, the SHD considered social and community elements with its cycle and pedestrian links between the schools at Duckspool and existing residential area, creche and community car park. This is in contrast with the development the subject of the appeal.

- Given the requirements of Objective D07 the proposal constitutes a material contravention of the Waterford County Development Plan 2011-2107. The lack of a masterplan risks the piecemeal disaggregated development of this area of Dungarvan and the lack of a masterplan will result in a lack of assessment for combined impacts on the environment including traffic impacts and consider of the need to provide appropriate social and community amenities.

Traffic and Transportation Assessment

- The TTA does not address the remainder of the D07 landbank. Only the 77 dwellings are assessed. The TTA is flawed and not fit for purpose. The TTA does not address one of the core objectives of the Masterplan D07 Objective in that it does not show that the overall landbank can be accessed without the need for a junction onto the N25.
- The TTA relied on baseline traffic counts undertaken in December 2020 at 2 no. locations. L3168 – N25 and L3168 -R675 junctions. No count was undertaken at the following junctions L3168-Tournore Court-Cluain na Greine Roundabout junction, at the L3168 Cluain Garbhain tee junction nor the L3168 Tournore Park junction.
- The proposed access arrangements cannot accommodate the traffic flows generated by the development of the entire D07 landbank. There is no reference to the role of the Spine Road on a plan led basis as set out in DMURS.
- Given the requirements of Development Objective D07, the omission of consideration of impact of the traffic generation of the overall zoned lands on the proposed access junction or on the wider network will result in the lack of assessment of combined impacts and on consideration of suitable mitigation measures.

- The under design of the proposed access junction could limit the development potential of adjoining lands and lead to demands for an access onto the N25 National Primary Road.

Other Matters

- The Development Impact Assessment submitted includes a number of flaws and misstatements. It suggests that there is a shop and medical centre within 200m of the site. This is not true. The nearest shop is 1km from the site at the opposite side of the N25 National Primary Road. The Medical Clinic that the applicants refer to is Complementary Health Clinic.
- The application lacks a detailed landscape plan.
- The application lacks any input from a qualified Arborist in relation to hedgerow protection, retention and/or removal.
- The application is not accompanied by an Appropriate Assessment Screening, at a minimum, which is considered essential given its scale, proximity and probable direct hydrological link to the Dungarvan Harbour Special Protection Area.
- The validity of the application is also questioned in light of the following:
 - Inconsistencies in the Site Location Maps submitted. All plans do not detail the site notice location and blue line boundary.
 - The FI site location maps are in black and white.

Conclusion

- An Bord Pleanála is requested to refuse permission for the proposed development and to recommend that no development take place until such time as an appropriate Masterplan has been prepared and an inclusive suite of surveys, assessments and reports produced so as to support the sustainable development of this important area.

6.2. Applicant Response

The applicant provided the following response to the grounds of appeal:

Masterplan

- The applicant was requested to demonstrate that the proposed development would not prejudice the future development of the remaining lands covered by D07 within WCCC's request for further information.
- It was agreed with WCCC that a Masterplan which demonstrated the potential to access and service lands to the north would meet the requirement of the further information request.
- The Masterplan as illustrated on Drawing no. PP-04 demonstrates the following:
 - A spine access road to serve the proposed housing with access into the adjoining GAA lands which, in turn, could provide access to all of the other D07 lands to the north.
 - A future access into the Institutional, Educational and Community developed zoned lands immediately to the east of the proposed development (also owned by the applicant) and a potential layout for a future school and sports pitch,
 - Access to further development pockets on the Institutional, Educational and Community Development zoned lands, and
 - A roundabout on the public road to serve the future access road; a specific requirement and request of the Senior Engineer (Roads Design).
- Reference is made to the amendments to the zoning objective pertaining to the Masterplan lands within the Draft Waterford City and County Development Plan 2022-2028 wherein the residentially zoned lands under D07 were either proposed to be rezoned as Open Space (primarily the GAA club and grounds) and Residential Strategic Reserve.
- The planner's report which informs the decision of WCCC to grant permission for the development outlines that it is not appropriate for the applicant to masterplan lands outside of the applicant's ownership.
- The Board is requested to note the following up-to-date situation regarding the lands covered under objective D07.

- There is no proposed amendment to the zoning of the applicant's application site in the Draft Plan; the application site residential zoning remains as does the adjoining Community Facilities/Services.
- It is proposed to allocate a portion of land for Residential zoning at the GAA pitch.
- The lands to the north are proposed to change to Strategic Reserve and Conservation/Greenbelt zoning.
- The submitted masterplan demonstrates the layout of the site, short- and longer-term access to the GAA grounds and access to and the development potential of the Community Facilities/Services land. There is no change to the zoning objective pertaining to the application site. Access to the GAA lands is provided regardless of the zoning status of the site.
- It is considered that there is no substance to the appellant's grounds of appeal regarding the masterplan.

Traffic Impact

- The TIA was prepared on the basis of the proposed housing accessing onto the L3168. To accommodate further development of the D07 lands, the Senior Engineer in WCCC sought details of an alternative future access onto the local road. The FI response demonstrates that the proposed layout and junction type is capable of adequately and safely catering for all traffic movements, both current and future.
- Reference is made to the SHD permission to the south of the site for 218 residential units and a creche. Permission had been granted for this development at the time of the consideration of the proposal. The LA would have considered the traffic impact of both proposals on the local road network.
- The Roads Section had no objection to the proposal. The development provides for a safer access into the GAA grounds than its existing access off the N25. The Special Development Contribution can provide for off site road improvements proposed by the Council.

- The appellants concerns relating to traffic impact are ill founded and should carry no weight.

Development Impact Assessment

- The comments relating to the Development Impact Assessment are noted. The retail unit referred to within the DIA has recently been converted to an apartment. The comments relating to the medical centre are noted.

Landscaping

- The applicant provided indicative landscaping throughout the site and Condition 17 (a) of the notification of decision of WCCC to grant permission for the development provides for a comprehensive landscaping plan prior to the commencement of development.
- In response to the concerns raised in relation to the potential loss of hedgerows, it is noted that the main hedgerow along the front of the site was planted when the L3136 was upgraded. The Planning Authority required it to be removed.
- The remaining hedgerows around the existing house and at the southwest corner of the site and along the western boundary will be retained and protected during construction. This will be provided in the landscape plans.

Appropriate Assessment

- An Appropriate Assessment Screening report dated 10th of January 2022 is appended to the planner's report which confirms Appropriate Assessment was screened out. The site is not hydrologically linked to the SPA.

Validity Matters

- Six copies of a location plan showing the application site in red, the applicant's other ownership in blue and the position of the site notice were submitted with the application as required. Further black and while copies of the drawings do not confuse or invalidate the application. WCCC validated the application and the planner's report confirms that the site notices were in place.

Conclusion

- The proposed development is in accordance with the zoning objectives as set out within the Waterford County Development Plan 2011-2017.
- It is considered that there is no substance in the grounds of appeal and the Planning Authority is requested to uphold the decision of the planning authority.

6.3. **Planning Authority Response**

- None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Procedural Matters
- Principle of Proposal and Compliance with Policy
- Density, Layout and Design
- Impact on Residential Amenity
- Traffic and Transportation
- Other Issues
- Appropriate Assessment

7.2. **Procedural Matters**

7.2.1. The site is located within the administrative boundary of Waterford City and County Council. At the time of the assessment of the application, the Waterford County Development Plan 2011-2017 was the operative development plan for the area. The application was assessed by Waterford City and County Council in accordance with the policies and objectives of this plan.

7.2.2. The Waterford City and County Development Plan 2022-2128 was adopted by Waterford CCC on the 7th of June 2022 and came into effect on the 19th of July

2022. I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan namely the Waterford City and County Development Plan 2022-2028.

7.3. Principle of Proposal and Compliance with Policy

- 7.3.1. The proposed development is located on undeveloped greenfield site c. 2km west of Dungarvan town centre. The site is currently in agricultural use and primarily zoned for Objective R1 – New Residential Purposes within the Waterford City and County Development Plan 2022-2028. This zoning objective seeks *“to provide for new residential development in tandem with the provision of necessary social and physical infrastructure”*. Dwelling/Principal Private Residence is listed as a use which is “permitted in principle” on lands zoned for residential purposes.
- 7.3.2. I note that the application site boundary was increased in response to Waterford City and County Council’s request for further information. The site area increased from 3.33ha at application stage to 3.69ha in response to WCCC’s request for further information. The site area was extended to the north to accommodate the proposed increased width access road. The northern portion of the site in which the access road is located on lands zoned for Open Space and Recreation purposes with an objective: *“To preserve and provide for open space and recreational amenities”*. Dwelling is listed as a use which is “open for consideration” on lands zoned for open space and recreation purposes.
- 7.3.3. The Waterford City and County Development Plan 2022-2028 sets out a tiered approach to new residential zonings within the Plan Area. The appeal site is identified as a Phase 2 Residential site. The Plan outlines that the phasing approach seeks to ensure that development on larger land holdings follows a sequential pattern. I note that the application drawings indicated a blue line boundary around adjoining lands to the north and east which are zoned for “Open Space and Recreation”, “Residential Strategic Reserve” and “Community Infrastructure” purposes. In considering the phasing requirements I note that there are no Phase 1 lands zoned within the larger landholding. The site is located adjacent to existing residential development and therefore complies with the sequential development of the larger landholding.

- 7.3.4. The policies and objectives of the NPF, RSES and the Waterford City and County Development Plan 2022-2028 support compact growth. The site is located within the environs of Dungarvan and is contiguous to existing residential development at Cluain Garbhan. I note that no objection to the principle of the development of the site for residential purposes was raised by Waterford City and County Council.
- 7.3.5. I refer to the wording of the R1 New Residential zoning objective pertaining to the site which seeks to *“To provide for new residential development in tandem with the provision of necessary social and physical infrastructure”*. The Site-Specific Infrastructure Assessment set out in Table 5b of Appendix 17 of the WCCCDP outlines that the site is served by Roads, Footpaths, Water and Waste Water Supply. A Development Impact Assessment was submitted in response to WCCC’s request for further information which details existing social and community facilities within the area.
- 7.3.6. The appellant raises a number of queries in respect of the scope and content of the DIA and outlines that there are inaccuracies in the information presented within the assessment in terms of the location of the closest retail unit and use of closest medical facility. Notwithstanding the points raised, I consider that the applicant has demonstrated that there are sufficient infrastructural and community facilities within the vicinity to accommodate the proposal.
- 7.3.7. The subject site is zoned for residential uses within the recently adopted Waterford City and County Development Plan 2022-2028, can be adequately serviced, is located immediately adjacent to 2 no. schools and commercial units and is in close proximity (2km) to a variety of services and facilities in Dungarvan town centre. It is, therefore, my view that the subject scheme represents the sequential development of Dungarvan. The principle of residential development with associated road infrastructure and site development works is, therefore, considered acceptable.

Material Contravention

- 7.3.8. The third-party appeal outlines that the applicant has failed to comply with the requirements of Development Objective D07 of the Waterford County Development Plan 2011-2017 and outlines that permission should be refused for the proposal on grounds of material contravention of the Waterford County Development Plan 2011-

2017 on this basis. The relevant Development Objectives from the previous development plan include the following.

Development Objective D07:

- *“The site shall be subject to an overall Masterplan and shall comprise a mixture of medium density house types. The Masterplan shall provide for adequate vehicular/pedestrian linkages, cycle paths and permeability through the site. Proposals for community services, amenities and facilities shall be provided as part of a masterplan”.*

Development Objective D011:

- *“To protect the efficient and safe operation of the adjacent National Road access to these lands shall be gained via the local road network unless access can be achieved within the 50kmph urban speed limit area”.*

7.3.9. I note that the planning authority did not consider the issue of material contravention of the Waterford County Development Plan 2011-2017 to arise in the context of the proposal. The planning authority were satisfied that the applicants FI response satisfactorily addressed the masterplan requirements pertaining to the site.

7.3.10. Specific development objectives DO7 and D011 are not carried forward within the recently adopted Waterford City and County Development Plan 2022-2028. However, Transportation Policy Objective Trans 09 Connectivity and Permeability seeks to *“ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands”* and Policy Objective Trans 42 outlines that the Councils preference is that future access points within land banks east and west of the N25 on the N25 approach road from Dungarvan to Waterford up to the Coolagh Road Roundabout are provided by alternative road provision and not from the N25.

7.3.11. The site forms part of a larger undeveloped landholding in the ownership of the applicant and the proposal includes the provision of access to the GAA lands to the west. Connections between the appeal site and adjoining landholdings are therefore a key consideration. I address these points further in the assessment.

7.4. **Density (New Issue)**

- 7.4.1. The planner's report which informs the decision of WCCC to grant permission for the development identifies a density of 23 units per ha on the basis of a site area of 3.3ha and 77 no. residential unit. I note that the site area was increased to 3.69ha in response to WCCC request for further information and the total number of residential units proposed was reduced to 75 units. On this basis, a density of 20 units per hectare is proposed.
- 7.4.2. Objectives 4, 13, 33 and 35 of the National Planning Framework, Section 4.7 of the Regional and Economic Strategy for the Southern Region and SPPR 4 of the Building Height Guidelines all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. Dungarvan is identified as a Key Town within the settlement hierarchy set out within the Waterford City and County Development Plan.
- 7.4.3. Policy H 02 of the Waterford City and County Development Plan 2022-2028 seeks to ensure that proposed new residential development is designed in accordance with the applicable guidance and standards of the time. The guidelines listed include the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- 7.4.4. Section 5.11 of the Sustainable Residential Development in Urban Area guidelines states that for outer suburban / 'Greenfield' sites the greatest efficiency in land usage would be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities, involving a variety of housing types where possible, should be encouraged generally.
- 7.4.5. Circular NRUP 02/2021 states that while the Sustainable Residential Development Guidelines clearly encourage net densities in the 35-50 dwellings per hectare...net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations. The circular further states that given the very broad extent of this range and variety of urban situations in Ireland, it is necessary for An Bord Pleanála and Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context.
- 7.4.6. In considering the above, while the redevelopment of the subject site is welcomed, it is my view that density should achieve the optimum use of urban land appropriate to

its location and context on residentially zoned land within the designated key town of Dungarvan. I consider the density as proposed at 20 units per hectare is well below the guidance set out within the Sustainable Residential Development in Urban Area guidelines and also below the density assumptions for the Dungarvan/Ballinroad settlement of 30 units per ha as set out within Table 2.4 Core Strategy Table of the Waterford City and County Development Plan 2022-2028.

7.4.7. While the proposal reflects the prevailing character of development within the area, I note that recent permissions in the area have achieved a density in accordance with that set out within the Sustainable Residential Development in Urban Area guidelines. I refer to the Strategic Housing Development permitted within the immediate vicinity of the site on lands to the south of the L3168 which yields a density of 35.5 units per hectare.

7.4.8. It is my view that a significant redesign of the scheme is required and that this cannot be addressed by way of condition. Therefore, it is recommended that permission be refused on this basis. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.5. **Layout and Design**

7.5.1. The proposal comprises the construction of 75 no. residential units, together with site access and associated site development. The layout is generally suburban in nature, includes in curtilage parking and public and private amenity space. The Design Statement prepared by MDP Partners outlines that the proposed arrangement of dwellings around a centrally located open space area will provide passive surveillance and the proposed pedestrian connections will ensure the development is well connected with the existing site context. Corner dwelling units have been designed to provide a dual frontage.

7.5.2. The development includes a mix of dwelling types and formats of units ranging from 2 to 4 bed detached, semi-detached and terrace units. I consider that the proposed dwelling mix will format/typology will promote a mix in tenure within the development. Dwelling materials of brick and render reflect those established within existing properties in the area.

- Proposed Access

- 7.5.3. The development includes a spine road to the north and east which would serve adjacent landholdings to the north, east and west. The proposed access road is 6m in width with 2m footpaths and a cycle path provided at either side of the road. The application documentation outlines that the roads, paths and cycle routes within the development seek to connect the site to the surrounding area of Dungarvan and the adjoining lands.
- 7.5.4. The site forms part of a larger landholding in the ownership of the applicant which includes lands to the north and east as illustrated by the blue line boundary illustrated within the planning application drawings. I note the previous requirement for a masterplan to inform the development of the lands as set out within the Waterford County Development Plan 2011-2017. While the masterplan objective is not carried forward within the recently adopted Waterford City and County Development Plan 2022-2028, the compatibility of the proposal with the wider landholding and adjoining lands is a relevant design consideration particularly in relation to the concerns raised within the appeal in relation to access arrangements and piecemeal/disaggregated development of the area and the requirements of Policy Objectives Trans 09 and Trans 42 of the Waterford City and County Development Plan 2022-2028.
- 7.5.5. The applicant's FI response outlined that the proposal will not preclude the future development of adjoining lands. Drawing no. PP-03 illustrates future access proposals to the GAA pitch to the west, lands immediately east of the site and a roundabout onto the public road. It is stated that the layout as submitted demonstrates that the adjoining lands can be accessed without the requirement for direct access from the N25.
- 7.5.6. I consider the layout of the proposed access road to be over-engineered and its overall purpose is undefined within the application. I consider this in further detail within the Traffic and Transport section of this report.
- Public and Private Open Space
- 7.5.7. The development plan sets out a minimum standard of 15% of the site area in new residential developments be reserved for public open space. The proposed scheme incorporates 5,868 sq.m. of public open space, which equates to 15% of the total site area. The public open space is centrally located within the development and is

overlooked by proposed dwellings. I have no objection to the quantum or quality of open space provided within the scheme.

7.5.8. As earlier noted, dwellings no. 40 to 45 to the north of the site present a 2m high boundary wall to the public open space. I consider that the area of public open space adjacent to proposed unit no. 50 should be incorporated as private amenity space for the unit. This point could be addressed via condition requesting a revised layout in the instance that the Board is minded to grant permission for the development. Private open space is provided for each dwelling over and above Development Plan standards.

- Landscaping & Boundary Treatment

7.5.9. The appeal raises concern in relation to the lack of a landscaping plan to inform the application. I refer to the requirements of Condition no. 17 of the notification of decision of Waterford City and County Council to grant permission for the development which sets out the requirements for a comprehensive landscaping plan for the development to be submitted for written agreement of the planning authority prior to the commencement of development. I consider that the requirements of this condition are appropriate in the instance of a grant of permission.

7.5.10. The appeal furthermore outlines that the application lacks any input from a qualified Arborist in relation to hedgerow protection, retention and/or removal. The southern and western site boundaries are currently defined by a mature hedgerow boundary. The development at present includes a 2m block wall along these boundaries and proposes the removal of the existing hedgerow/planted boundary.

7.5.11. The proposed concrete wall boundary would result in the removal of the existing boundary treatment. I note that a timber palisade fencing boundary is proposed elsewhere in the scheme, and this would facilitate the retention of part of the boundary treatment. This can be addressed via condition in the instance that planning permission is granted for the development.

Conclusion

7.5.12. In conclusion, I consider the design and layout is typically suburban within in curtilage parking and generous private open space provision. While this reflects the existing pattern of development within the vicinity of the site it does not support

compact growth within the environs of Dungarvan a designated Key Town within the Waterford City and County Settlement Hierarchy. I consider that the proposed access road is overengineered for the development and its function is undefined within the application.

7.5.13. I also have concerns relating to certain elements of the layout of the proposal including the following:

- adjacent to proposed unit no. 50 should be incorporated as private amenity space for the unit;
- Units 40 to 45 are orientated to face onto the access road to the north but present 2m boundary walls to the public open space.
- Provision of cycle parking and visitor parking within the public open space area.
- Designated EV charging spaces should also be provided.

7.5.14. I consider that a number of the points raised above could be addressed via condition requesting a revised layout in the instance that the Board is minded to grant permission for the development.

7.6. Impact on Residential Amenity

7.6.1. The site is adjoined by existing residential development to the south (single storey detached dwelling) and south-west (Cluain Garbhan). The impact of the proposal on the amenity of existing properties is therefore a material consideration in the assessment of the application.

7.6.2. While not raised within the grounds of appeal, I note that observations on the application raise concerns in relation to the impact of the proposal on the residential amenity of adjoining properties. Concerns raised in this context relate to overlooking, loss of privacy, height of the proposed units, noise impact and devaluation of properties. It is requested that the bungalows within the development are relocated to the party boundaries. I consider the points raised in turn as follows.

- *Overlooking*

7.6.3. Proposed units no. 14-22 are located within the vicinity of existing dwellings to the south and south west of the appeal site. The relationship between the proposal and

existing residential units is illustrated on the proposed site sections (Drawing no. PP-06 Sections C-C and D-D).

7.6.4. In terms of overlooking/loss of privacy, I note that all back gardens have at least a 11m depth in the vicinity of existing residential properties. Proposed boundary treatment also includes a 2m high wall. Single storey and storey and a half dwellings are provided in the vicinity of the single storey dwelling to the south west. I do not consider significant overlooking/loss of privacy as a result of the proposal on this basis.

- *Overshadowing*

7.6.5. No specific daylight and/ or sunlight study was provided with the application. I have had full regard to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and which describe recommended values (e.g., ADF, VSC, APSH, etc) to measure daylight, sunlight and overshadowing impact. It should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that: 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'

7.6.6. The BRE document notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and the arrangement of open space, and these factors will vary from urban locations to more suburban ones.

7.6.7. On review of the site layout, I consider that given the level of separation between houses, both within the site and to adjacent housing and the height of the proposed dwellings I am satisfied that the houses would receive adequate daylight/sunlight, in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (BRE, 2011).

- *Noise*

7.6.8. I note the reference within the observations on the application to operation noise impact associated with the development of the site for residential purposes. In this regard, I note that the site is located contiguous to existing residential development and is zoned for residential purposes within the Waterford City and County Development Plan 2022-2028. I do not envisage significant noise impact over and above that existing within the area as a result of the proposed development.

- *Devaluation of Property*

7.6.9. I note the reference in observations on the application to the devaluation of existing property as a result of the proposal. Having regard to the considerations set out above I see no evidence to substantiate this claim.

Residential Amenity of Proposed Dwellings

7.6.10. Within the development, a minimum separation distance of 4m is provided between the gables of the proposed units. Obscure glazing is provided in first floor landing and bathroom windows to negate against overlooking. Private open space is provided to the rear of the dwellings as illustrated on Drawing no PP-05 the quantum of which is in excess of Development Plan Standards.

Conclusion

7.6.11. In conclusion, I consider that the proposed development would not give rise to undue overlooking or overshadowing of adjoining properties or otherwise cause serious injury to the residential amenities. I consider that the proposal would provide a good quality of residential amenity for the future occupants of the scheme.

7.7. Traffic and Transportation

7.7.1. A number of traffic and transport related concerns are raised within the grounds of appeal. Such concerns relate to the principle of the proposed access arrangements and lack of a masterplan which addresses access arrangements leading to a piecemeal and disaggregated development. The appeal raises concern in relation to the scope and content of the TTIA and the lack of assessment of cumulative traffic impact of the proposal. I consider the points raised in turn as follows.

Proposed Access

7.7.2. Access to the site is proposed via L3168 which forms the southern boundary of the site. The access road is proposed to serve the proposed residential development,

adjoining lands in the ownership of the applicant to the east and north and the existing GAA Club lands to the west. The L3168 is located within a 50kmph zone and runs in a straight alignment in the vicinity of the site. The L3168 accommodates a footpath, dedicated cycle route and street lighting. Sightlines of 45m at 2.4m are in accordance with DMURS are indicated at the proposed entrance on Drawing no. 180054-DBFL-TR-SP-DR-C-1001. I consider the principle of the proposed access to the site from the L3168 to be acceptable.

- 7.7.3. The subject site is located c. 650m west of the N25 and c. 400m east of the R675 and is immediately north of the L3168. The Waterford Greenway is also located c. 1.2 km south of the subject site, at Dungarvan Harbour, which provides a link from Dungarvan to Waterford. The closest bus stop to the site is located within Dungarvan town centre.

Traffic Impact

- 7.7.4. A Traffic and Transport Impact Assessment prepared by DBFL Consulting Engineers was submitted in support of the application. Section 5 of the TTA provides an assessment of network conditions and trip generation. Baseline traffic surveys were undertaken on the 10th of December 2020 from 07:30 to 09:30 AM and 12:30 to 18:30 PM at the following locations:

- Junction 1: N25/L3168 3 arm Priority Controlled Junction
- Junction 2: R675 Clonea Road / L3168 3-arm roundabout

- 7.7.5. An Automatic Traffic Count was also undertaken on the L3168 from the 10th of December to the 16th of December 2020. The analysis identified the following peak on the local road network. 08.30 to 09:30 AM, 15:45 to 16:45 PM and 17:00 to 18:00 PM. The trip generation exercise identifies that the proposal could generate 45,45 and 59 two-way vehicle trips during the AM, Inter-afternoon and PM peak hour periods respectively.

- 7.7.6. Section 6 of the TTA addresses the impact of the development on the local road network on the basis of a phased delivery of the housing units i.e. 50 units by opening year 2023, with the remaining 27 units delivered by 2028. The assessment concludes that the proposal will result in less than a 5% impact on the Junctions 1 and 2 in the opening year of 2023 and the design years of 2028 and 2038. The

network analysis set out within Section 7 of the TTA outlines that the site access junction will operate well within capacity in 2023, 2028 and 2038. The TTA concludes that the proposal will generate minimal impacts across the local road network.

7.7.7. Concerns relating to traffic impact associated with the development are raised within the grounds of appeal. The appeal questions the baseline information presented within the TTA on the basis of the limited no. of junctions assessed and outlines that the cumulative impact of the entire lands has not been submitted. The submission on the application from Transport Infrastructure Ireland on the application also raises concern in relation to the impact of the proposal on the operation of the N25 and the lack of a cumulative traffic impact assessment. Access to the development is proposed via the L3168.

7.7.8. On review of the TTA I consider that the applicant has sufficiently demonstrated that the proposal will not generate negative impacts on the local road network in the immediate vicinity of the site. In this regard I do not consider that the proposal represents a scale or format of development which would result on impact on the N25 which is further removed from the site.

7.7.9. The appeal outlines that the TTIA does not address the cumulative impact associated with the development of the site and adjoining landholdings. The access road is proposed to serve the proposed residential development, adjoining lands in the ownership of the applicant to the east and north and the existing GAA Club lands to the west. The issue of cumulative impact is addressed within the Joint Roads Report of Waterford City and County Council which outlines that the Planning Authority examined the overall area as part of the proposed Waterford City and County Development Plan 2022-2028. The report also refers to planned improvements to the road network in the vicinity of the site including the following:

- A roundabout is proposed at the burglary which will alleviate traffic issues. Condition no. 3 of WCCC's notification of decision to grant permission for the development recommends a section 48(2)(c) condition be attached to require a special contribution in respect of road infrastructure for the provision of roundabout on at the Burgery to facilitate the development.
- In the shorter term the active travel programme will be creating a modal shift away from car use and bringing improved cycle and walking infrastructure to

the area alleviating the pressure on parking and traffic movements at the school.

- The proposed new access to the GAA field will result in improved safety on the N25.

7.7.10. Notwithstanding the points raised above, I consider that the overall purpose of the access road is not clearly defined within the application and agree with the points raised by the appellant that the issue of cumulative traffic impact is not appropriately addressed within the Traffic and Transport Impact Assessment.

7.7.11. The internal access road serving the development illustrates potential future connections to adjoining lands and includes footpaths and cycle paths. The proposed access road is 6m in width with 2m footpaths and a cycle path provided at either side of the road. I consider the proposed internal road network to constitute an over engineered response to the layout. In this regard, I would note that the Design Manual for Urban Roads and Streets (DMURS) recommends a standard carriageway width on local streets of 5 to 5.5 metres and a shared surface width of not more than 4.8 metres (Section 4.4.1 refers).

7.7.12. The applicant makes a case that the road has been designed to serve the existing and proposed uses of lands in the vicinity of the site. However, such uses and traffic impact associated with same are not clearly defined or assessed within the application. I refer to the correspondence from Abbesside/Ballinacourty GAA Club located to the west of the site which outlines that the layout as proposed would sever the existing playing pitches on site from the club pavilion and Juvenile Pitch Ball Wall and all-weather playing surface. Reference is made to the relocation/altering of the access road to reflect existing uses. I question the compatibility of the layout and tie in of the access road with adjoining lands in this regard.

Car Parking and Cycle Parking

7.7.13. The development includes the provision of 154 no. in curtilage car parking spaces (2 per unit) in accordance with Development Plan standards. 42 no. visitor cycle parking spaces are proposed. I have concern in relation to the siting of the proposed visitor cycle parking spaces and visitor parking spaces within the public open space. I recommend that these points are addressed via condition in the instance that the Board is minded to grant permission for the development.

Conclusion

7.7.14. In conclusion, I consider that the proposed access road is over-engineered and its function is not clearly identified or assessed within the application. I consider that the proposal would result in a piecemeal development of the entire landholding and adjoining zoned lands and that the proposal would be contrary to the requirements of Policy Objective Trans 09 of the Waterford City and County Development Plan 2022-2028 which seeks to *“ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future”*.

7.8. Other Issues

Validity of Application

7.8.1. The validity of the application is questioned within the appeal on the following grounds:

- Inconsistencies in the Site Location maps submitted. Not all detail the site notice location and blue line boundary.
- The FI site location maps are in black and white.

7.8.2. The applicant outlines that six copies of a location plan showing the application site in red, the applicant's other ownership in blue and the position of the site notice were submitted with the application as required. I note that the submitted application drawings were considered acceptable by the planning authority and no concerns in relation to the validity of the application are raised. I am satisfied that this did not prevent the concerned party from making representations.

Flood Risk (New Issue)

7.8.3. The Waterford City and County Development Plan 2022-2028 maps illustrates that a portion of the lands to the south are designated as being within Flood Risk Zones A and B. The extent of the flood risk zone is illustrated in the attached presentation document. A flood risk assessment has not been submitted in support of the application. The layout as proposed includes the provision of open space and a cul de sac road within the identified Flood Risk Areas.

7.8.4. It is noted that the Roads Department, who have responsibility for water services within the planning authority have not raised any concerns regarding potential flooding on the subject site. The Planner's report which informs the decision of WCCC to grant permission for the development outlines the following in respect of flood risk on site:

"The site is not located within a Flood Zone and therefore a flood risk assessment has not been carried out. The finished floor levels proposed are a minimum of 3.2mOD in line with the guidance of WCCC".

7.8.5. The site is zoned for residential purposes within the recently adopted Waterford City and County Development Plan 2022-2028 which has been informed by a Strategic Flood Risk Assessment (SFRA) attached as Appendix 13 of the Plan.

7.8.6. The Development Management Standards set out within Volume 2 of the Waterford City and County Development plan 2022-2028 outlines that Site Specific Flood Risk Assessments are required for all new planning applications in areas identified in areas at risk of flooding. The site includes lands designated for Flood Zone A and B purposes. I consider that there are information deficiencies in the application in this regard. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.9. Appropriate Assessment

7.9.1. Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

No Screening report is submitted in support of the application. This assessment is therefore considered de novo.

7.9.2. Screening for Appropriate Assessment - Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

7.9.3. Submissions and Observations

The third-party appeal outlines that the application is not accompanied by an Appropriate Assessment Screening, at a minimum, which is considered essential given its scale, proximity and probable direct hydrological link to the Dungarvan Harbour Special Protection Area.

The Heritage Officer’s report in Waterford City and County Council which refers to the site characteristics including the use of the site for tillage. This outlines that while there is evidence of Brent Geese in the Duckspool area, the appeal site it is not a foraging site for Brent Geese. Significant effects on the qualifying interests of the Dungarvan Bay SPA are screened out.

The planner’s report which informs the decision of WCCC to grant permission for the development includes an AA Screening which concludes the following:

“Having regard to the location of the subject site and to the nature of the proposed development, and the intervening distance with identified Natura 2000 sites, I consider that no appropriate assessment issues arise in this case. In my opinion the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on Natura 2000 sites”.

7.9.4. European Sites

The development site is not located in a European site. While the proposed development site is not located immediately adjacent to a European site, it is c. 300m from Dungarvan Harbour SPA.

A summary of European Sites that occur within a possible zone of influence (15km) of the proposed development is presented in the table below.

European Site	Site Code	Distance
Dungarvan Harbour SPA	004032	300m
Helvick Head to Ballyquin SPA	004192	6.2km

Mid-Waterford Coast SPA	004193	5.8km
Glendine Wood SAC	002324	1.7km
Helvick Head SAC	000665	6.2km
Blackwater River (Cork / Waterford) SAC	002170	8km
Comeragh Mountains SAC	001952	8.2km

Table 2 below lists the Identification and Assessment of Likely Significant Effects on Natura 2000 Sites within the Precautionary Zone of Influence of the Proposed Development (15km).

European Site Site Code	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Dungarvan Harbour SPA (004032)	Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142]	0.3km	Potential via surface water run off. Indirect hydrological link via the proposed foul drainage network / Dungarvan WWTP.	Yes

	<p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>(Helvick Head to Ballyquin SPA (004192))</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p>	6.2km	Indirect hydrological link via the proposed foul and surface water network.	No
<p>Mid-Waterford Coast SPA (004193)</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p>	5.8km	Indirect hydrological link via the proposed foul and surface water network.	No

Glendine Wood SAC (002324)	Trichomanes speciosum (Killarney Fern) [1421]	1.7km	No	No
Helvick Head SAC (000665)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	6.2km	Indirect hydrological link via the proposed foul and surface water network.	No
Blackwater River (Cork / Waterford SAC (002170)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	8km	Indirect hydrological link via the proposed foul and surface water network.	No

	<p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>			
<p>Comeragh Mountains SAC (001952)</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p>	8.2km	No	No

	<p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>			
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As outlined in the table above, it is considered that 6 no. designated sites can be screened out from further assessment. Glendine Wood SAC (002324) and Comeragh Mountains SAC (001952) have been screened out due to the nature of the qualifying interests of sites and the lack of hydrological connections.

Blackwater River (Cork / Waterford) SAC, Helvick Head SAC, Mid-Waterford Coast SPA and Helvick Head to Ballyquin SPA have also been screened out. It is noted that there is a potential for an interrupted and distant hydrological link to these 4 no. designated sites from the proposed development, via surface water and via the foul wastewater from the proposed development, which would discharge to the existing public network and be treated in Barnawee Wastewater pumping station.

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase. The habitats and species of these 4 no. Natura 2000 sites at Blackwater River (Cork / Waterford) SAC, Helvick Head SAC, Mid-Waterford Coast SPA and Helvick Head to Ballyquin SPA are between 5.9km and 8km from the subject site and water quality is not a target for the maintenance of any of the QI's within the designated sites. During the construction phase, standard pollution control measures would be put in place. Pollution control measures during both construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the

distance and volume of water separating the application site from Natura 2000 sites (dilution factor).

The submission from Irish Water notes that in order to accommodate a wastewater connection, the proposed development is subject to the upgrading and provision of additional storage at Barnawee Wastewater pumping station. The report on file from Irish Water outlines that the required upgrades are not on Irish Water's investment Plan and a contribution will be required from the applicant in relation to provision of the required upgrades. No objection to the principle of the connection is raised by Irish Water or the Planning Authority. It is my view that subject to increased capacity at the pump station that the proposed development could be accommodated. It is also considered that having regard to the relatively limited number of residential units proposed, that the foul discharge from the site would be insignificant in the context of Barnawee, and thus its impact on the overall discharge would be negligible.

I am satisfied that the potential for impacts on the aforementioned Natura 2000 sites can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development and the nature of intervening development.

The nearest designated Natura 2000 site to the proposal is Dungarvan Harbour SPA (Site Code 004032) which is located c.300m from the site. The NPWS site synopsis for the SPA outlines that *"a major part of the ecological importance of Dungarvan Harbour is the wintering waterbirds which are present in large numbers"*. The qualifying interests for the SPA are identified in Table 2 above. I refer to the report from the Heritage Officer in Waterford City and County Council which refers to the site characteristics including the use of the site for tillage. This outlines that while there is evidence of Brent Geese in the Duckspool area, the appeal site it is not a foraging site for Brent Geese. As such, it is stated that there would be no loss of significant habitat as a result of the development. The Heritage Officer's report makes reference to a Wintering Bird Survey being undertaken on sites within the Dungarvan area by the applicants for an SHD development on lands to the south of the site (ABP Reference: 310782-21). I have reviewed the NIS submitted in conjunction with this application and note that the appeal site is not identified as an ex-situ site where Brent Geese were noted.

Other potential impacts on the SPA include the potential of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction phase from the proposed development site to the SPA which has the potential to impact relevant qualifying interest.

I also consider the potential indirect hydrological link to the SPA from the proposed foul water network. As noted above foul wastewater from the site would discharge to the public network and would be treated at Barnawee Pump House. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge, and thus its impact on the overall discharge would be negligible.

As there are no impacts to the SAC or SPA arising as a result of this development, there is no potential for cumulative impacts. There are no likely impacts arising from the proposed development on Natura 2000 sites and therefore cumulative impacts with other projects will not occur.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans and projects would not be likely to give rise to significant effects on European sites Dungarvan Harbour SPA (004032), Glendine Wood SAC (002324), Comeragh Mountains SAC (001952), Blackwater River (Cork / Waterford) SAC (002170), Helvick Head SAC (000665), Mid-Waterford Coast SPA (004193) and Helvick Head to Ballyquin SPA (004192) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore not required.

8.0 Recommendation

I recommend that planning permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. Policy Objective Trans 09 of the Waterford City and County Development Plan 2022-2028 seeks to “ensure that all developments can provide full

connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands". This policy objective is considered to be reasonable. The proposed development includes an access road which is intended to serve the appeal site, adjacent lands in the ownership of the applicant to the north and east, and adjoining residentially zoned GAA club lands to the west. The design of the access road is considered to be over engineered and its overall function and tie in with adjacent landholdings is undefined. The cumulative impact of future development proposals on the lands which will be served by the access road is not assessed within the Traffic and Transport Impact Assessment. The proposed development is considered to represent a piecemeal and haphazard development of the lands and is therefore considered to be contrary to the requirements of Policy Objective Trans 09 of the Waterford City and County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

2. The proposed density of 20 units per hectare, which is achieved through a traditional suburban layout with in curtilage car parking and generous private open space, would not be sufficiently high to provide for an acceptable efficiency and use of serviced and zoned lands within the environs of Dungarvan, a designated Key Town within the RSES for the Southern Region. It is, therefore, considered that the proposed development would be contrary to the guidance set out within the Sustainable Residential Development Guidelines, which recommends a density of 35-50 units per ha on outer suburban/greenfield sites and Policy H 02 of the Waterford City and County Development Plan 2022-2028 which seeks to ensure that proposed new residential development is designed in accordance with the applicable guidance and standards of the time including those set out within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).

Note: 'This is a new issue in the appeal and the Board may wish to seek the views of the parties'.

Stephanie Farrington
Senior Planning Inspector
12th of August 2022