



An
Bord
Pleanála

Inspector's Report

ABP-314043-22

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| Development | Construction of 35 dwellings. |
| Location | The Cloisters, Farrangarret, Ardmore, Co. Waterford. |
| Planning Authority | Waterford City and County Council |
| Planning Authority Reg. Ref. | 21604 |
| Applicant | CFS Structures Ltd. |
| Type of Application | Planning Permission |
| Planning Authority Decision | Grant Planning Permission |
| Type of Appeal | Third Party |
| Appellant | Michael O'Reilly |
| Observer | An Taisce |
| Date of Site Inspection | 08 March 2024 |
| Inspector | Sinéad O'Connor |

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1.0 Site Location and Description

- 1.1. The site of 2.05 hectares (ha) is located in the west of Ardmore, to the immediate east of The Cloisters residential development. Topography in the area is steeply sloped downwards from south to north. The site is circa 140 metres to the west of St.Declan's Cathedral and Ardmore Round Tower, and within 70 metres of an earthen embankment associated with this historic site.
- 1.2. The site is irregular in shape and is under grass and scrub vegetation. Adjoining residential development at The Cloisters and Upper College Road comprises 2-storey terraced and semi-detached houses. Lands at the eastern and southern boundaries are under grass.

2.0 Proposed Development

- 2.1. The proposed development, as per the Clarification of Further Information (CFI) submitted to the P.A. 25 May 2022, comprises 31 no. houses as follows:
 - 4 no. House Type B – 4-bedroom 2-storey House
 - 12 no. House Type C – 3-bedroom 2-storey House
 - 3 no. House Type D – 3-bedroom Dormer Bungalow
 - 12 no. House Type E – 3-bedroom Dormer Bungalow
- 2.2. Each dwelling has 2 no in-curtilage car parking spaces and a rear garden. The scheme includes 3 no. areas of public open space; Open Space (A) at the west of the site is 1,724 sq.m., Open Space (B) is located centrally in the site and is 3,270 sq.m., and an open space at the southwest corner of 287 sq.m.. I note that Open Space (A) and the adjoining visitor car parking spaces and the smaller open space of 287 sq.m. already form part of The Cloisters development. The scheme is served by existing potable, surface and foul water infrastructure on Upper College Road.
- 2.3. The initial proposal submitted to the P.A. on 25 June 2021 comprised 35 no. units on a site that incorporated a pedestrian walkway and water infrastructure connection east to Tower Hill. Through Further Information (FI) submitted to the P.A. on 22 December 2021 the scheme was amended to accommodate 31 no. units and an enlarged central open space to preserve archaeological material in-situ. The

pedestrian walkway and infrastructure linkage to Tower Hill was omitted through CFI on the basis of heritage concerns raised by the P.A. and the Department of Housing, Local Government and Heritage. Infrastructure connections will now be provided onto Upper College Road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 16 June 2022 Waterford City & County Council issued a notification of their decision to grant planning permission for the proposed development subject to 25 no. conditions. Condition 5 seeks to restrict the first occupation of the units to individual purchasers rather than corporate entities. Condition 7 relates to the archaeological materials, the visual impact of the scheme on St. Declan's monastic complex, and the submission of a landscaping plan. Condition 23 requires the submission of a Construction Management Plan.
- 3.1.2. On 15 February 2022 the P.A. issued a request for 1 item of CFI in respect of archaeological issues raised by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, including the encroachment of the scheme on heritage sites. On 18 February 2022 the P.A. granted an extension of 3 months for the Applicant to submit their response to the CFI requested. The Applicant submitted their CFI response 25 May 2022.
- 3.1.3. On 18 August 2021 the P.A. issued a request for 9 items of FI in respect of water supply, archaeology & built heritage, storm water infrastructure, unit typology mix, public open space, boundary treatments, phasing, and Design Statement. On 7 January 2022, the P.A. issued a notification that the FI submitted 22 December 2021 was significant and should be readvertised.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 15 June 2022 forms the basis of the P.A. decision. I consider that the following matters raised are of relevance.

- The FI submitted was considered acceptable apart from submissions in respect of archaeology and heritage.
- The CFI submitted addresses the PA concerns in respect of archaeology and built heritage. As per submission on CFI from the Department of Housing, Local Government and Heritage, outstanding issues in respect of archaeological and heritage impacts to be addressed by condition.
- Development can be accommodated without upgrade works to existing water supply or wastewater infrastructure.
- No Third-Party lands are required to connect the scheme to existing potable water infrastructure.
- Surface water infrastructure aligns with industry standards. Run off limited to 7.4 l/s and will be controlled by an attenuation tank and hydrobrake.
- Typology mix is acceptable.
- Dormer bungalows are proposed at the northern boundary, which prevents serious impacts on adjoining residents. Rear windows have been sited to prevent overlooking.
- Proposed open space, excluding existing areas, represents 23% of the site area. Public open space does not exceed a 1 in 10 fall.

3.2.2. Other Technical Reports

Environmental Services: Report dated 30 July 2021. No objection subject to conditions.

The P.A. report refers to reports from Water Services and the District Engineer however, these do not form part of the planning file.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage: Report dated 14 June 2022 in response to CFI. Acknowledges contents of CFI and notes some issues remain in respect of the mitigation strategy, and consistency with the Development Plan. Recommends a grant of planning permission with conditions.

Department of Housing, Local Government and Heritage: Report dated 09 February 2022 in response to F.I. Refuse planning permission on archaeology and built heritage grounds owing to negative impacts on monuments and the wider archaeological landscape, insufficient FI, and contravention of the Policies and Objectives of the Development Plan.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. Report dated 30 July 2021. Request F.I. in respect of the preservation of archaeological material in-situ, submission of photomontages/3D images, encroachment of pedestrian linkage on National Monument and heritage sites, setting of undesirable precedent, omission of detached dwellings, visual impacts, light over-spill, landscaping and boundary treatments, and introduction of additional dwelling typology.

TII: Report dated 16 July 2021. No observations to make.

TII: Report dated 11 January 2022. No observations to make.

3.4. Third Party Observations

4 no. observations were made in respect of the application. The substantive planning issues raised that are additional to the grounds of appeal are summarised together as follows:

- Lack of capacity in the public water supply.
- Increased surface water run-off.
- Pollution of underlying aquifer.
- Overlooking of properties on Tower Hill and Upper College Road. Loss of privacy and light, and subsequent devaluation of property.
- Impact of development works on stone retaining walls and boundaries on Tower Hill, and existing drains and culverts in the vicinity.
- The proposed pedestrian path risks disturbing or destroying evidence regarding the location of Ardmore Castle.
- Further archaeological investigations at the site would give significant information in respect of the extent and location of Ardmore Castle.

4.0 Planning History

The planning history of the site and wider landholding can be summarised as follows:

- P.A. Ref. 19/307: On 27 June 2019 planning permission was granted to Tom & Mary Noone at No. 22, The Cloisters, for a 2-storey extension to the side the dwelling. The permitted extension appears to overlap substantially with the proposed Public Open Space at the southwest corner of the subject site.
- P.A. Ref. 18/502, ABP. Ref. 305221-19: On 02 April 2020 planning permission was refused to CFS Structures Ltd. for the construction of 36 no. dwellings at the current subject site and a public open space to the south of The Cloisters. 1 no. reason for refusal was given as follows:
 1. Having regard to the existing deficiencies in the public water supply network at this location which are not likely to be addressed in the short term, notwithstanding the siting of the development on residentially zoned lands, and to the proposal to service the development from a private water supply, it is considered that the proposed development would be premature in the absence of the required long-term public water supply, would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
- P.A. Ref. 17/288: On 26 July 2017 planning permission and retention planning permission was granted to CFS Developments Ltd. for compensatory public open space, and the retention of 3 no. underground Liquefied Petroleum Gas storage tanks and ancillary site works on previous public open space in The Cloisters. I note that the compensatory area of open space of 441 sq.m. appears to overlap with the Units 31 and 30 of the subject scheme. At the time of the site visit, the area of the compensatory open space was maintained and under grass.
- P.A. Ref. 08/47, ABP Ref. PL24.232734: On 31 July 2009 planning permission was refused to CFS Developments Ltd. for the construction of 87 dwellings to the west and south of The Cloisters. The current subject site is annotated in this application as a future development site. The 3 no. reasons for refusal relate to the prioritisation of residential zoning under the County Development Plan 2005-2011,

excessive cut material, negative impacts on visual and residential amenity, and lack of public water supply and public sewerage facilities.

- P.A. Ref. 07/34: On 29 September 2007 planning permission was refused to CFS Developments Ltd. for the construction of 87 units. 2 no. reasons for refusal were given. This site overlaps with the subject site. Details of this application are not available.
- P.A. Ref. 04/1978: On 22 February 2005 planning permission was refused to CFS Developments Ltds for the construction of 22 no. holiday cottages. The current subject site overlaps with the site area of this application.
- P.A. Ref. 04/260: On 12 August 2004 planning permission was granted to Michael Ronayne for the construction of 22no. houses, now referred to as The Cloisters. The current site area overlaps with the site area of this application.

Recent and relevant applications in the immediate vicinity of the site include the following:

- P.A. Ref. 07/1685: On 23 June 2008 planning permission was granted to Tom Noone for a rear extension to No. 22, The Cloisters. I note that the current subject site does not overlap with the site area submitted with this application.

5.0 Policy Context

5.1. Development Plan

The Waterford City & County Development Plan 2022-2028 is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

- The site is zoned RV 'Rural Village' to protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure. Dwelling is listed in Table 11.2 'Zoning Matrix' of Volume 2 as Permissible in Principle on zoned RV lands.
- Mapped objective ADD05 appears to relate to the subject lands and the surrounding undeveloped area. Appendix 2 'Specific Development Objectives of the Plan' states that under Objective ADDO5 development at the subject site shall be required to have regard to the topography of the site, and proposed developments

shall have an appropriate/sympathetic approach to design which utilises the existing contours. Development of these lands shall not detract from the visual setting of the village, particularly when viewed from the approach roads to the village. Adequate buffer shall be provided from neighbouring proposed employment use to north of site.

- Specific Development Objective ADDO4 is to the east of the site and seeks to protect and preserve the setting of Ardmore Tower and its associated ecclesiastical monuments. The visual impact of development on views of the Tower shall be a consideration of any application for permission.



Excerpt from Map 2. Zoning and Flood Map of the Waterford City and County Development Plan 2022-2028.

- Table 2.2 ‘Settlement Hierarchy and Typology’ of Volume 1 lists Ardmore as a Class 4A- Rural Town alongside the settlements of Cappoquin, Kilmacthomas, Tallow, Gaeltacht na nDéise (including Sean Phobal), Passage East/Crooke, and Stradbally. Class 4A is the 5th of 7-tiers in the hierarchy.

- Table 2.4 'Core Strategy Table' of Volume 1 gives a Target Residential Density of 20 units per ha at all Rural Towns & Villages. A combined housing target of 350 no. units across all Rural Towns & Villages is given.
- Table 6.1 'Water and Wastewater Capacity Assessment – Settlements in Waterford County (Source: Irish Water April 2022)' of Volume 1 indicates that there is limited capacity available in the Ardmore Monea potable water infrastructure, and further assessments are ongoing. The Ardmore WWTP is envisaged to have capacity available.
- Table 11.1 'Architectural Conservation Areas (ACAs)' of Volume 1 lists Ardmore as an ACA. There does not appear to be a map of this ACA. Section 11.3 'Architectural Conservation Areas' seeks to protect the special character of historic urban cores and distinctive features, and encourage suitable, sustainable, and contemporary development.
- Relevant standards of Table 3.1 'General Standards for New Residential Development in Urban Areas' of Volume 2 include the following;
 - Public open space at a minimum of 15% of the total site area.
 - Minimum separation distance of 22-metres generally sought between rear opposing windows above ground floor.
 - 2.2 metres between side walls of houses.
 - Brick/ stone/ rendered blockwork walls of 1.8 metres required at rear gardens adjoining public areas.
 - Concrete post and timber/ concrete panel fencing permissible between rear gardens.
 - Applications for permission should include a landscaping plan and a Construction and Demolition Waste Management Plan
- Table 3. 2 'Minimum Private Open Space Requirements for Dwelling Units' of Volume 2 generally requires 50 sq.m. of private open space for 1 and 2-bedroom dwellings, 60 sq.m. for 3-bedroom dwellings, and 75 sq.m. for 4 or more bedroom dwellings.

- Table 7.1 'Car Parking Standards' of Volume 2 requires 1 no. space per 1-and 2-bedroom unit and 2 no. spaces for 3+ bedroom units. Visitor parking required at a rate of 1 no. per 4 no. units and 1 no. additional space.
- Table 7.3 'Bicycle Parking Standards for residential developments' of Volume 2 requires 1 no. long term space per unit and 0.2 short stay space per unit (min. 1 no. space).

Relevant Policies and Objectives of Volume 1 and 2 include the following:

- Under Policy Objective AH 03 'Preservation of Archaeological Material': Waterford City & County Council shall give priority to the preservation in-situ of any archaeological monument/site/place.
- Policy Objective AH 04 and Development Management DM 56 require that development in the vicinity of a site of archaeological interest is designed and sited sympathetically and shall not have a detrimental impact on the character or setting of the site. The council will require the preparation of an archaeological impact assessment and a visual impact assessment. A satisfactory buffer will be provided between proposed development and upstanding monuments.

5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

5.2.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) post-dates the adoption of the Development Plan. Relevant provisions of these Guidelines include the following:

- Table 3.7 'Areas and Density Ranges for Rural Towns and Villages' does not specify a density range for smaller settlements, and states that new development should be tailored to the scale, form and character the settlement and infrastructural capacity.
- SPPR 1 – Separation Distances: A separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.

Reduced separation distances can be provided where there are no opposing windows and where privacy measures are designed in.

- SPPR 2 – Minimum Private Open Space Standards for Houses: 2-bed houses require 30 sq.m. of private open space, 3-bed houses require 40 sq.m. and houses with 4 or more beds require 50 sq.m. of private open space. Reductions are facilitated where a proportionate quantity of high quality semi-private open space is provided. Infill schemes on sites up to 0.25 ha may provide less private open space subject to the proximity and design quality of public open space.
- SPPR 3 - Car Parking: In peripheral locations a maximum car parking provision of 2 no. spaces per dwelling shall apply.

5.3. Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

- 5.3.1. The Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) pre-dates the Development Plan. Section 3.4.2 of Volume 2 of the Development Plan states that regard should be had for these guidelines.
- 5.3.2. Section 5.3.2 of the Guidelines requires that living and bedroom spaces should be well proportioned, in terms of floor shapes and ceiling heights, so as to provide a good quality living environment for the occupants. Section 5.3.2 and Table 5.1 list minimum internal floor areas applicable to proposed dwellings.

5.4. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The site is circa 1km to the west of Ardmore Head Special Area of Conservation (SAC) (Site Code 002123) and circa 4km southwest of Helvick Head to Ballyquin SPA (Site Code 004192). The site is circa 7km to the east of the Blackwater River (Cork/Waterford) SAC (Site Code 002170), Blackwater Estuary SPA (Site Code 004028) and Blackwater River and Estuary pNHA (Site Code 000072). The site is circa 4km southwest of Ballyeelinan Wood proposed Natural Heritage Area (pNHA)(Site Code 001692).

5.5. EIA Screening

See completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal against the P.A. Decision was lodged on 11 July 2022. This statement comprises 2 letters, an addendum, copies of previous submissions made by the Appellant, and appendices. The substantive planning issues have been summarised below as follows:

- Previous applications were refused planning permission based on the submissions by the Appellant and An Taisce.
- This area is of significant historical value.
- Defensive fortifications were built at the site owing to its steep slope, elevation, and view of Ardmore Bay.
- The site contains long lasting discolouration's and unrecorded archaeological material relating to the ecclesiastical enclosure, which have not been the subject of archaeological investigations.
- The trenches have been in place for hundreds of years and may be associated with Ardmore Castle and the Battle of Ardmore (26 August 1642).
- The area may contain material from the Battle of Ardmore.
- Local history indicates that there are underground passages and chambers in the vicinity, potentially belonging to Ardmore Castle.
- National Monuments at Tower Hill include The Rectory, Round Tower and Cathedral occur at Saint Declan's City, and are over 1,000 years old.

- The sylvan, green field setting of the Round Tower and Cathedral will be eroded.
- Recent development in the vicinity of the National Monuments is highly visible on the skyline.
- Residential development in Ardmore has eroded the historical character of this area, including the contamination of healing waters at Saint Declan's Well on the opposite side of the village.
- The proposal sets an undesirable precedent for development in the vicinity of St. Declan's City.
- The development will impact negatively on the Old College Wall, which had enclosed Monea House.
- Dwellings in Ardmore are being used as holiday homes rather than permanent residences and are empty for much of the year.
- The development will be unaffordable to local persons, which has negative impacts on the community.
- No mention of social or affordable housing at the scheme.
- Overshadowing and overlooking of dwellings on Upper College Road.
- Increased flooding risk.
- The design is out of character with the local vernacular.
- Under the Waterford County Development Plan 2005, the lands surrounding the trenches was not rezoned for residential development.
- Under the Waterford Development Plan the lands to the north of The Rectory have not been rezoned for residential development, therefore, a pedestrian walkway cannot be provided across these lands.
- It is an objective of the Waterford County Development Plan 2011-2017 to protect the heritage and visual amenity of Ardmore, and for development at the site to be sympathetic of site contours and its visual impact when viewed from the approach to Ardmore Village.
- The Appeal Statement includes copies of the previous submissions made by the Appellant in respect of PA. Refs. 07/34, and 08/47.

6.2. Planning Authority Response

None received.

6.3. Observations on Appeal

On 8 August 2022, An Taisce submitted an observation on the appeal. I consider that the key points of this submission are as follows:

- Cultural significance of Ardmore.
- Site requires full historical and archaeological assessment.
- Issues raised in the Appeal are justified.

7.0 Assessment

Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, the report from the local authority, the planning history of the site and adjoining sites, and inspected the site, and having regard to relevant local policies and guidance, I consider that the substantive planning issues in this appeal are as follows:

- Heritage & Visual Impacts
- Residential Amenity – New Issue
- Public Open Space – New Issue
- Water Services & Flooding

7.1. Heritage & Visual Impacts

- 7.1.1. As per the drawings submitted to the P.A. 25 May 2022, the subject site is located circa 150 metres to the west of St. Declan's Monastery and the 23 no. associated Recorded Monuments. The closest Recorded Monuments to the site are located circa 60 metres to the south of The Cloisters, as per the Historic Environment Viewer, and comprise a Mound (Ref. WA040-025002) and an Enclosure (Ref. WA040-025001). There is a D-shaped earthen embankment circa 70 metres to the east of the site. The townland boundary between Farrangarret and Monea is located

at the northern boundary of the site and comprises a stone wall. Owing to the steep topography of this area, and the open character of the adjoining fields, the site is highly visible from the surrounding road network.

- 7.1.2. The appeal statement outlines the historical significance of the subject site and surrounding lands, specifically the potential connection between anomalies at the site and embankments on adjoining lands with Ardmore Castle and the Battle of Ardmore. The Appellant raises concerns regarding the lack of archaeological testing, and the potential of development to erode locally and nationally important archaeological features. The submissions dated 30 July 2021 from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and 9 February 2022 from the Department of Housing, Local Government and Heritage raised concerns regarding the lack of archaeological test trenching at the previously proposed walkway to Tower Hill. Concerns were also raised in respect of lack of clarity regarding in situ and ex-situ preservation, mitigation measures at the development site, and the potential for heritage impacts on nearby known and unknown archaeological features.
- 7.1.3. The Revised Archaeological, Architectural and Cultural Heritage Impact Assessment submitted to the P.A. 25 May 2022 (the AIA) includes the results of a geophysical survey (November 2018) as Appendix 5 and of test trenching as Appendix 6 (February 2019). These surveys do not include in the study area the pedestrian and infrastructural linkage to Tower Hill, which was omitted at CFI. The surveys found remains of former field boundaries, a collection of correlated archaeological features thought to comprise a prehistoric settlement, and dispersed non-correlated materials that were not considered to be of archaeological significance. Section 5 'Mitigation Strategy' of this report lists 9 no. mitigation measures in respect of archaeology including the preservation of the prehistoric settlement in-situ under the proposed central open space, the preservation ex-situ of dispersed archaeological materials, a full archaeological record of the piece of the townland boundary to be removed, and the preservation of the hedgerow at the eastern boundary. I note that Figure 9 of this report shows which features are to be preserved in situ, and which will be preserved on record. I note that Drawing No. CFI-01 'Site Plan Sheet 1 of 2' submitted to the PA 25 May 2022 states that the stone wall at the northern boundary and the hedgerow at the eastern boundary will be retained.

7.1.4. It is my opinion that the surveys and trenching undertaken at the site to date provide sufficient information in respect of archaeological materials at the site. Mitigation measure No. 6 of the AIA states that ground works across the subject site will be supervised by a suitably qualified archaeologist, which I consider sufficient to protect any unidentified archaeological material. On balance, I consider it appropriate that the potential prehistoric settlement is preserved in-situ and the disparate features preserved on-record. I note that the primary concerns of the Department of Housing, Local Government and Heritage related to impacts of the pedestrian and infrastructure connection on the embankment to the east of the site. It is my opinion that the omission of the connection to Tower Hill, as per the CFI submitted, removed direct impacts on the adjoining D-shaped enclosure and, therefore, significantly reduced the potential for negative archaeological impacts arising from the proposed development. I note that the development will directly impact on the stone wall that marks the townland boundary to provide an infrastructural connection to Upper College Road. I consider that this route will have a lesser archaeological impact than the route to Tower Hill initially proposed. It is my opinion that the affected portion of the wall should be subject to a mitigation strategy, such as that requested in the Department of Housing, Local Government and Heritage report dated 14 June 2022. Drawing from the documentation submitted, I consider that the proposed development would not have significant negative impacts on archaeological features at the site or in the locality. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require the implementation of the mitigation measures proposed in the AIA, submission of a mitigation strategy in respect of the infrastructural connect to Upper College Road, and the reinstatement of the townland boundary once infrastructural works are complete.

7.1.5. In respect of visual impact, Section 4.3.2 of the AIA submitted 25 May 2022 states that the proposed development will have indirect impacts on the setting of the ecclesiastical complex on the basis that the existing field will be developed. Impacts on views from within the site to the ecclesiastical complex are described as Moderate on the basis that the view to the complex will be obstructed but the Round Tower will remain prominent on the skyline. The impact on views from the ecclesiastical complex towards the site are described as Very Slight owing to

screening provided by surrounding topography and boundary walls, and the background provided by existing dwellings on Upper College Road. Having undertaken a site visit and reviewed the submitted documentation, I consider this assessment acceptable. Owing to the design, scale and layout of the proposed dwellings I note that the Round Tower will remain prominent on the skyline when viewed from The Cloisters and the adjoining road network. I consider that the separation between the subject site and the ecclesiastical complex is sufficient to retain the historical character of this area. I note that the proposed development will be visible when viewed from the ecclesiastical complex however, I do not think that the proposed development is out of character for this area or would detract significantly from existing views over the village. Drawing from the above, I consider that the proposed development would not have a significant negative impact on the setting of St. Declan's Monastery and the associated Recorded Monuments.

- 7.1.6. I consider that the proposed dwellings, as per the FI submitted 22 December 2021, have a simple design and modest scale. Owing to the separation between the site and the village centre and the scale of the proposed units, I do not consider that the development will detract from the vernacular dwellings. The scheme has a low residential density, which accords with Table 2.4 'Core Strategy Table' of the Development Plan and is appropriate with reference to the site's topography and historic setting, in my opinion. I note that a detailed landscaping plan has not been submitted however, Drawing No. CFI-01 'Site Plan Sheet 1 of 2' indicates that the hedgerow at the eastern boundary will be maintained. Having reviewed the submitted documentation and undertaken a site visit, I consider that the proposed development generally aligns with mapped Development Plan Objectives ADD05 and ADD04, which seek to preserve the visual amenity of this historic area. To further mitigate visual impacts of the development, I consider that tree planting should be undertaken within rear gardens and at the public open spaces, excluding the area for preservation in-situ of archaeological material. If the Board is minded to grant planning permission for this development, I recommend that a condition be attached to require landscaping and tree planting at the site, and the retention of the existing hedgerow at the eastern boundary.

- 7.1.7. Drawing from the above, I consider that the proposed development will not have significant negative impacts on the heritage value or archaeological character of the area.

7.2. Residential Amenity – New Issue

- 7.2.1. The proposed development of 31 no. units comprises 16 no. 2-storey houses and 15 no. dormer bungalows. The proposed bungalows at Units 1 to 15 inclusive, House Types D and E, were introduced to the scheme at FI to reduce the visual impact of the scheme and to prevent overlooking of the dwellings on Upper College Road. I note that the bedrooms in proposed House Types D and E are mislabelled in the floorplans submitted. For clarity, in this assessment I refer to the largest double bedroom (13.62 sq.m.) as Bedroom 1, the 2nd double bedroom (11.69 sq.m.) as Bedroom 2, and the single bedroom (8.23 sq.m.) as Bedroom 3.
- 7.2.2. In respect of residential impacts on adjoining dwellings, I note that separation distances between the dwellings at the north of the site and those on Upper College Street exceed the 16 metres required under SPPR 1, and the 22 minimum separation distance required under the Development Plan. The proposed rear gardens substantially exceed the minimum requirements of SPPR 2 and Table 3.2 of the Development Plan. I consider that the lack of 1st floor opposing rear windows and modest building heights at the northern boundary, large rear gardens, and the separation distances provided will prevent significant negative overbearing or overshadowing impacts onto Upper College Road.
- 7.2.3. Having assessed the submitted drawings, I consider that the internal areas of House Types B and C meet the requirements of Section 5.3.2 of the Quality Housing for Sustainable Communities Guidelines (2007). I consider that there may be substantive issues in respect of the design of House Types D and E with reference to Building Regulations. Less than half of the floor area of Bedroom 3 in House Types D and E is over 2.5 metres in height, which does not align with the suggestion for habitable rooms in respect of ventilation, as per the Building Regulations 2019 Technical Guidance Document F Ventilation. The overall bedroom floor areas in House Types D and E achieve the minimum standards of the Guidelines however, from the drawings submitted I note that in the region of 4.5 sq.m of Bedroom 1, 3

sq.m. of Bedroom 2, and 3.5 sq.m. of Bedroom 3 is less than 2 metres in height. In this way, the useable floor area of the bedrooms is below the minimum standards of the Guidelines. Section 5.3.2 of the Guidelines requires that bedrooms are well proportioned in respect of floor area and ceiling heights, which I do not consider is achieved in this instance. I consider that this shortfall in useable open space significantly impacts on the amenity value for future occupants. In this way, I do not consider that the House Types D and E align with the provisions of Section 5.3.2 of the Guidelines.

- 7.2.4. In respect of Fire Safety, I note that Bedrooms 1 and 2 of House Type D and Bedrooms 1, 2, and 3 of House Type E are served only by rooflights. Section 1.3.7 of Building Regulations 2017 Technical Guidance Document B Fire Safety Volume 2 Dwelling Houses requires that the bottom of the rooflight opening required for escape should be between 0.6 metres and 1.1 metres off the floor. From the drawings submitted, the bottom of the proposed rooflights is 1.5 metres from the floor, which does not fall within the required range under the Building Regulations.
- 7.2.5. Drawing from the above, I do not consider that Units 1 – 15 offer sufficient residential amenity value for future occupants. Given that these units comprise almost half of the residential scheme, I do not consider it appropriate to address these issues by condition. I recommend that planning permission is refused on this basis. This is a new issue and the Board may wish to seek the views of the parties.

7.3. Public Open Space – New Issue

- 7.3.1. The proposed development, as submitted to the P.A. 25 May 2022, accommodates 3 no. designated areas of open space. Open Space (B) (3,270 sq.m.) is centrally located in the site and is the primary open space serving the proposed dwellings. Open Space (A) (1,724 sq.m.) and the Open Space (287 sq.m.) to the west of Unit 31 are already in place and serve The Cloisters residential development. There is a linear open space adjoining the northern boundary of the site, part of which accommodates the underground attenuation tank.
- 7.3.2. The central public open space of 3,270 sq.m. constitutes 21.5% of the development site area of 1.52ha, which excludes the area of Open Space (A) and the link to Tower Hill initially proposed. This area exceeds the 15% public open space

requirement in Table 3.1 of the Development Plan and the 10% minimum recommended under Policy and Objective 5.1 of the Sustainable Compact Settlements Guidelines. This central public open space is sloped, which was considered appropriate by the P.A. in their report of 15 June 2022. I consider this slope acceptable given the topography of the site, the desire to avoid unsustainable quantities of cut and fill, and to preserve archaeological material in-situ, as discussed in Section 7.1 of this report.

- 7.3.3. I note that the plot area of Unit 31 and the adjoining open space to the west form part of the Compensatory Public Open Space serving The Cloisters, as per P.A. Ref. 17/288. From the P.A. Report under Reg. Ref. 17/288 dated 12 October 2017, I note that the remaining open space and the compensatory open space are the only usable outdoor amenity areas serving The Cloisters, owing to the steep slope of the other open space areas. I consider that the remaining compensatory open space, as proposed, will be of reduced amenity value owing to its narrow shape, modest size and the lack of passive surveillance from adjoining dwellings. I note that the central open space of 3,270 sq.m. proposed as part of this current application is, quantitatively, large enough to serve the proposed development and compensate for the lost open space at The Cloisters however, I do not consider it acceptable to relocate for a second time the public open space serving the existing residents. I note that the existing dwellings at the Cloisters would not immediately adjoin or overlooking the proposed central open space, which would limit the useability of this area for younger children and less mobile persons. Drawing from the above, I consider that proposed Unit 31 could be omitted to retain the existing compensatory public open space serving The Cloisters as per P.A. Ref. 17/288. To ensure that this open space area is sufficiently overlooked and to maintain the visual amenity of the area, I consider that Unit 30 could be redesigned to provide an active frontage onto this existing outdoor amenity area. If the Board is minded to grant planning permission for this development, I recommend that a condition be attached to this effect. The Board may wish to seek the views of the parties as this issue was not previously raised.
- 7.3.4. As is shown in Drawing No. 003. Rev. F 'Drainage Layout Sheet 1 of 2' and Drawing No. 008 Rev. G 'Watermain Layout Sheet 1 of 2' submitted to the PA 25 on May 2022 it is proposed to provide future potable, foul and surface water infrastructure

connections to the undeveloped lands to the south of the site under the existing compensatory open space area. Notwithstanding that these areas are not zoned for development; I consider it appropriate that a future connection is facilitated so as not to prejudice future development.

- 7.3.5. The public open space to the north of Unit 9 was created following the omission of the pedestrian walkway to Tower Hill, in the CFI response submitted 25 May 2022. I note that this area is not passively surveilled by the adjoining dwellings and may be of reduced residential amenity however, I consider it necessary to maintain this area free from development to facilitate future permeability to the adjoining zoned lands to the east.
- 7.3.6. Drawing from the above, I consider that the proposed open spaces are sufficient to meet the relevant standards and to be of sufficient amenity value to future residents. I consider that existing open spaces should be retained to safeguard the amenity of adjoining residents.

7.4. Water Services & Flooding

- 7.4.1. The proposed development, as submitted to the P.A. 25 May 2022, is served by existing potable, foul and surface water infrastructure on Upper College Road to the immediate north of the site. The proposed water infrastructure links to Upper College Road at the northeast corner of the site.
- 7.4.2. A previous application at the site, P.A. Ref. 18/502, ABP. Ref. 305221-19, was refused planning permission on the basis of lack of capacity in the public water supply network. I note that the Engineering FI response submitted to the P.A. 22 December 2022 includes a letter from Uisce Eireann under pre-connection enquiry CDS19007025, which states that water and wastewater connections are feasible without infrastructural upgrade works. The PA Report dated 15 June 2022 indicates that the District Engineer and Water Services sections had no concerns in respect of capacity of the public infrastructure, notwithstanding that a connection agreement with Uisce Eireann is required. Drawing from the documentation submitted and the assessment undertaken by the PA, I consider that potable water capacity is no longer a constraint to development at this location.

7.4.3. The Appellant raises concerns regarding flooding risk at the site. As per the engineering drawings and report submitted to the PA 25 May 2022, surface water arising from the site will flow to the proposed underground attenuation tank before connecting to public infrastructure at Upper College Road. Runoff to the public infrastructure will be restricted to 7.4 litres per second by a hydrobrake, as per the Engineering Response submitted 22 December 2021. I note that the report from the Environment Section dated 30 July 2021 raised no concerns in respect of flooding, and the PA report dated 15 June 2022 indicates that the District Engineers were satisfied with the surface water proposals. Map 2 'Zoning and Flooding Map' of the Waterford County & City Development Plan 2022-2028 does not designate the site or surrounding areas as either Flood Zone A or B. Drawing from the above, I do not consider that the proposed development would have significant impacts in respect of flooding risk.

8.0 Appropriate Assessment Screening

- 8.1.1. The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The nearest designated site to the subject site is the Ardmore Head SAC (Site Code 002123), which is approximately 1km to the east of the site. Helvick Head to Ballyquin SPA (Site Code 004192) is circa 4km northeast of the site, and the Blackwater River (Cork/Waterford) SAC (Site Code 002170) and Blackwater Estuary SPA (Site Code 004028) are circa 7km to the west.
- 8.1.2. Owing to the serviced nature of the site, the distance of the site from the Helvick Head to Ballyquin SPA, the Blackwater River (Cork/Waterford) SAC and Blackwater Estuary SPA, and lack of direct hydrological or over-land connections, I consider that these sites can be screened out from further assessment. The objectives for the Ardmore Head SAC are set out below.

| Natura 2000 | Site Code | Qualifying Interests | Conservation Objectives |
|------------------|-----------|---|--|
| Ardmore Head SAC | 002123 | Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030] | To maintain the favourable conservation status of habitats and species |

| | | | |
|--|--|--|---|
| | | | of community interest in Ardmore Head SAC. |
|--|--|--|---|

- 8.1.3. During the site inspection I did not see any evidence of waterbodies/course at the subject site and the EPA mapping does not show any waterbodies within or immediately adjoining the site. There are no direct hydrological connections between Ardmore Head SAC and the subject site owing to the availability of foul and surface infrastructure. The Development Plan states that there is capacity in these systems.
- 8.1.4. Given distance from Ardmore Head SAC and the buffer provided by established residential and recreational development separating the sites, I consider that likely significant effects on QIs (habitats and species) will not occur during the construction or operational phases.
- 8.1.5. 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, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Ardmore Head SAC or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.1.6. This determination is based on the following: the lack of hydrological or other ecological connections to the designated sites, the fully serviced nature of the site and the established residential character of the adjoining sites.
- 8.1.7. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.


9.0 Recommendation

- 9.1. I recommend that planning permission be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. The subject development, by reason of the design of the bedrooms at Units 1 to 15, inclusive, would conflict with the provisions of Section 5.3.2 of the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). Owing to the reduced floor to ceiling heights over much of the available floor area, I consider that Bedrooms 1, 2 and 3 of House Types D & E would not deliver satisfactory residential amenity. Failure to comply with these Guidelines has resulted in substandard residential development and is, therefore, contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Sinéad O'Connor
Planning Inspector

18 April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|--|--|---|
| An Bord Pleanála Case Reference | 314043-22 | | |
| Proposed Development Summary | Construction of 35 dwellings. | | |
| Development Address | The Cloisters, Farrangarret, Ardmore, Co. Waterford. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | No further action required |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | Class..... | EIA Mandatory EIAR required |
| No | X | | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| No | | N/A | No EIAR or Preliminary Examination required |
| Yes | X | 10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units. | Proceed to Q.4 |

| 4. Has Schedule 7A information been submitted? | | |
|--|---|----------------------------------|
| No | X | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: Sinead O'Garra

Date: 26 March 2024

Form 2
EIA Preliminary Examination

| | | |
|---|--|------------------------------|
| An Bord Pleanála Case Reference | 314043-22 | |
| Proposed Development Summary | Construction of 35 dwellings. | |
| Development Address | The Cloisters, Farrangarret, Ardmore, Co. Waterford. | |
| The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. | | |
| | Examination | Yes/No/ Uncertain |
| Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants? | <p>The subject development comprises residential development on a site immediately adjoining existing residential land uses. In this way, the proposed development is not exceptional in the context of the existing environment.</p> <p>During the construction phase the proposed development will create construction wastes and cut material. Given the moderate size of the site, I do not consider that the waste arising would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the operational phase due to the residential nature of the proposal.</p> | No |
| Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing | <p>The proposed development of 31 no. units is not exceptionally large.</p> <p>Owing to the serviced suburban nature of the site, which is not an ecologically sensitive location, and residential character of the scheme I do not think that there is potential for significant cumulative impacts.</p> | No |

| | | |
|---|---|--|
| and/or permitted projects? | | |
| Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? | The subject site is not located within or immediately adjoining any protected area. There are no waterbodies at the site and there are no hydrological links between the subject site and any designated site. Therefore, there is no potential for significant ecological impacts as a result of the proposed development. The site is located within a serviced suburban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area. | No |
| Conclusion | | |
| There is no real likelihood of significant effects on the environment. EIA not required. X | There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | There is a real likelihood of significant effects on the environment. |

Inspector: Sinead O'Ginnar

Date: 26 March 2024