



An
Bord
Pleanála

Inspector's Report

ABP-314257-22

Development	Construction of an access road and new hardstanding area to accommodate 16 no. parking spaces
Location	Unit 612 Northern Extension, IDA Industrial Park, Cleaboy Road, Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	22401
Applicant(s)	Castit Ltd
Type of Application	Permission
Planning Authority Decision	Grant of Permission
Type of Appeal	Third Party
Appellant(s)	Adrian Morrison
Observer(s)	None
Date of Site Inspection	3 rd of October 2023
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The application site is located in Waterford city and suburbs. The site has a stated area of 0.4134 ha and fronts the Local Tertiary road L-91072 to the east. It is located within the Northern Extension of the Waterford Industrial Estate, accessed via the Cleaboy Road to the western side of Waterford City. The site is occupied by a factory type industrial unit, with similar type units throughout the industrial park. It is accessed via the roundabout from the Cleaboy Road.
- 1.2. There is an existing parking area within the site, facing the industrial estate road to the west of the unit. The proposed carparking and service yard area is to be located to the rear/northeast of the existing light industrial type Unit 612 at the northern extension industrial estate. The area where the proposed development is to be located currently appears overgrown and disused. It is noted that there are two trees on the northern site frontage which add to the streetscape.
- 1.3. There is a stream, within the overgrown area that runs through the northern eastern part of the site. The site is c.1.9km from the River Suir to the east. There is an unmade access/gap in the fence, through the fenced off area of the industrial estate to the northeast of the site. Pedestrians were seen using this unmade pathway as a shortcut between the housing estate to the east and the industrial estate/subject site roads on the day of the site visit.

2.0 Proposed Development

- 2.1. This proposal is for the Construction of an access road and new hardstanding area measuring 1275sq.m to accommodate 16no. car parking spaces, delivery yard and security fencing together with all associated site works.
- 2.2. A copy of a Civil Engineering Report from DRA Consulting Engineers has been submitted with the application.
- 2.3. A Site Layout Plan, drawings and elevations including drainage layout drawings have been submitted.
- 2.4. A letter from IDA Ireland granting consent to the applicant Castit Ltd to apply for permission, for the proposed development.

3.0 Planning Authority Decision

3.1. Decision

On the 5th of July 2022, Waterford City and County Council granted permission for the proposed development subject to 9no. conditions. These conditions generally concern infrastructure relative to the proposed access road and hardstanding, surface water drainage and construction management.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner has regard to the locational context, planning history and policy, to the inter-departmental reports and the submissions made. Their Assessment included the following:

- The site was assessed under the Waterford City Development Plan 2013-2019 where the majority of the site was zoned for light industrial, high technology and manufacturing use.
- They note a portion of the land on the eastern side of the site being in an area zoned for open space.
- They are satisfied that both development plans (i.e. 2013-2019 and 2022-2028) allow for car parking on lands zoned for open space.
- They note that the applicant has submitted an Engineering Report, compiled by DRA Consulting Engineers, in support of the application.
- They have regard to the location of the right of way and to the signed letter of consent from the IDA for the works to be undertaken for this application.
- They note the concerns raised regarding flooding issues, with the site located as 'Flood Zone A and B' as per the 2013 OPW Flood maps.
- They note that the proposed development would not be considered as a vulnerable use.

- The application site currently has storm water runoff to the existing watercourse to the east. The proposed development is to include SuDS and to provide an underground attenuation tank, with a flow control fitted.
- There is to be a buffer where no development is proposed between the proposed car parking, service area and the watercourse.
- Water Services have no objection subject to conditions.
- They do not have concerns regarding negative impact on any protected site and an AA screening report is attached, which concludes that no AA issues arise and the proposal either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 site.
- They recommend that permission be granted subject to conditions.

3.3. **Other Technical Reports**

Heritage Officer

The Planners Report refers to a Report from the Heritage Officer which has regard to hydrological connections to the River Suir, but notes that having regard to the separation distance and the absence of qualifying interest habitats that they are satisfied that the proposal will not give rise to potential for significant effects on the River Suir SAC.

3.4. **Prescribed Bodies**

No responses noted on file.

3.5. **Third Party Observations**

A Submission has been made expressing concerns about the proposed development. As they are the subsequent third party appellant their concerns are considered in the context of their grounds of appeal.

4.0 Planning History

The Planner's Report details recent planning history relevant to the site and the surrounds. The following are relevant to the subject site:

- Reg.Ref. 9609937 – Permission granted subject to conditions to extend factory.
- Reg.Ref.00509179 – Permission granted subject to conditions to extend factory – Unit 612 Industrial Estate.

Signage relevant to the Industrial Estate

- Reg.Ref.18269 – Permission granted subject to conditions for the removal of existing Estate and Information signage and their replacement with 5 new Totem Signs and 5 new information or Map Signs and associated lighting at Waterford Industrial Estate, Cork Road Waterford.

These signs are within and close to the roundabout to the south of the estate and not within the boundaries of the subject site.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

This is now the pertinent plan, that came into effect on the 19th of July 2022.

Volume 1 – Written Statement

Chapter 4 refers to the Economy and includes planning for appropriate economic growth, including on brown field sites.

Employment Policy Objectives ECON 01 – EC03 refer.

Chapter 5 – Transport and Mobility.

This includes regard to the Integration of Land Use Planning and Transport.

Chapter 6 – Utilities Infrastructure, Energy and Communication

Section 6.3 has regard to Storm and Surface Water Management.

Objective UTL09 refers and includes: *To require the use of Nature Based Solutions and Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures to be incorporated in all new development (including roads and public realm works and extensions to existing developments).*

Objective UTL10 refers to Flooding/SFRA and includes: *Ensuring 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.*

Volume 2 – Development Management Standards

Land Use Zoning -

As shown on Map 2 of the Plan, the majority of the site is within the ‘CD’ – Light Industry/High Technology/Manufacturing Campus Development zone.

The eastern part of the site is within the ‘OS’ – Open Space and Recreation zoning.

The Map shows that the eastern part of the site is within ‘Flood zone – A’.

The road through the estate is denoted for ‘Proposed Active Travel &/or Public Transport.

Car Parking

Section 7 refers to the Parking Standards, Table 7.1 refers and includes for the following spaces:

Manufacturing Industry: 1 per 80sq.m g.f.a

Light Industrial Use: 1 per 60sq.m g.f.a & 1 HGV space per 2,300sq.m g.f.a.

Section 7.3 refers to Loading and Unloading.

5.2. Natural Heritage Designations

The Lower River Suir SAC (site code: 002137) is located c.1.9km to the east of the site.

5.3. EIA Screening

Having regard to the nature and relative small scale of the proposed development, which comprises the construction of access and parking spaces to serve an existing unit within the light industrial land use zoning, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by Adrian Morrison, whose concerns include the following:

- The existence of the zoned open space and the effects of the proposed flood solutions proposed in the conditions have not been considered.
- This issue regarding the flooding has been previously raised, as the site in question is clearly indicated in a Flood Zone A and B.
- Enough consideration has not been given to future flooding of this open area as it is used for recreation by the residents of the adjoining housing area.
- The Zoned Mapping from the Waterford City Development Plan 2013-2019 is enclosed. This is in addition to images of the adjacent open space.
- Photographs showing views, a copy of the zoning map in the Waterford City CP 2013-2019. A copy of the Flood mapping is also included.

6.2. Applicant Response

A response to the Third Party Appeal, on behalf of the First Party has been received from Niamh Irish Architectural Technologist. This includes the following:

Land use zoning

- The subject site is a brownfield site located on the northern extension IDA Industrial estate. There is a small stream on the eastern side of the site which is within the boundary of the site. Figure 1 shows the land use zoning as per the Waterford City and County DP 2022-2028.
- Part of the site within the ownership of Cassit Ltd is zoned amenity. Figure 2 shows the stream that runs close to the eastern boundary of the site and is zoned amenity.
- The proposed access and parking area are to service the existing manufacturing factory unit on the site.

Separation from adjacent housing

- There is a high level of separation between the industrial estate and the adjacent housing development – Figure 3 refers to the buffer zone.
- There is no authorised public access from the adjacent housing development into the industrial estate.
- They note that the existing boundary fence has been removed and a rough pedestrian access across the stream into the estate over time has been created, which will not be affected by the proposed development.
- The area to the rear of the existing factory has become overgrown and has had issues with anti-social behaviour and dumping. The proposed development will assist the applicants to secure their property.
- They include photographs to show the overgrown and disused nature of the application site.

Flood Risk and Drainage

- They refer to liaison by their Consulting Engineers with the Council's engineering department and the submission of a detailed report to ensure that the proposed development complies with the current regulations and SuDS guidelines and does not contribute to potential flooding issues in the area.
- Engineer's proposals have addressed surface water run-off in agreement with Waterford Council to include an attenuation tank complete with flow control.

- A Report from DRA Consulting Engineers is included with the First Party response to the appeal. They provide a Flood Risk Assessment.

Validity issues

- They believe the submission to Waterford County Council and subsequent appeal to be without merit and that the objections have been made to delay the development, by an unidentifiable person who has no obvious connection to the area. They question the validity of the name and address of the appellant.

Conclusion

- Castit limited are a long-established local company who wish to utilise their own property to facilitate staff parking and secure their site in a similar way to neighbouring industrial units on the estate.
- They believe the proposal will be hugely beneficial to Castit Ltd as well as neighbouring businesses and the general public. It will remove delivery trucks from the public road, increase parking in the area and secure the vicinity, deterring anti-social activity and providing passive overlooking of a currently derelict area.
- They submit that the Board should dismiss the appeal as vexatious and without merit.

6.3. Planning Authority Response

There is no response on file from the Planning Authority to the Grounds of Appeal.

6.4. Observations

There are none on file.

7.0 Assessment

7.1. Introduction and Context

7.1.1. This is a Third Party Appeal against the Council's decision to grant permission for the proposed development. Having regard to the documentation submitted, to planning history and policy, the issues raised in the Third Party Grounds of Appeal, and the First Party response and to my site visit, I would consider that the issues primarily centre on:

- Development Proposal and Land Use Zoning
- Access issues
- Right of Way
- Drainage issues
- Flooding issues
- Appropriate Assessment

7.1.2. It is noted that this proposal was considered by the Council, under the Waterford City Development Plan 2013-2019 and that their Assessment and that of the Third Party Grounds of Appeal, includes reference to policies and objectives made under this plan. This has now been superseded by the policies and objectives of the current Waterford City and County Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and further in the Assessment below.

7.2. Development Proposal and Land Use Zoning

7.2.1. The site is located within a cul de sac area of the Northern Extension IDA Industrial Estate, accessed via a roundabout from the Cleaboy Road to the south. There is currently access from the estate road to the parking area that serves Unit 612 along the western boundary of the site. There is vehicular access to the unit but none for parking and servicing on the northeastern side of the site. The unit is occupied by the applicants Cassit Ltd. While specific details have not been included of their operations on file, on their website they are described as a manufacturer and street furniture supplier. The floor plans submitted, show the single storey unit (710sq.m)

primarily in use as a factory building, storage area and ancillary offices and staff facilities. No alterations or extensions to the existing building are proposed.

- 7.2.2. The proposed access and parking area are to service the existing manufacturing factory unit on the site. The proposed development includes an access road to the rear of the existing factory, hardstanding service yard area, and parking surrounded by secure fencing to service the existing manufacturing factory unit on the site. The area proposed for the parking area is currently unused and overgrown and there is a stream running close to the eastern boundary of the site.
- 7.2.3. Volume 4 'Book of Maps' of the Waterford City and County Development Plan 2022-2028 includes that the majority of the site, which contains the existing unit is within the 'CD' Light Industry/High Technology/Manufacturing Campus Development' zoning. The Objective seeks to:- *Provide for light industry, general enterprise, business development, office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment.*
- 7.2.4. The eastern part of the site is also within the Cassit Ltd site and is zoned Open Space. The Objective seeks to:- *Preserve and provide for open space and recreational amenities.* The stream that runs through the eastern part of the site is within this zoning. It is noted that this is part of a strip of open space which links to that of the housing estate to the east. However, there is a separation/buffer between the areas/uses, which are divided by fencing and the stream. This area of the subject site is overgrown and is not in use nor does it appear that it is envisaged for use as public open space. It is noted that the Third Party are concerned about the use of this area as an ancillary parking area for the unit relative to drainage and flooding issues. These issues are considered further in this Assessment below.

7.3. Access and Parking

- 7.3.1. The site is accessed via the roundabout on Cleaboy Road. The estate access road also serves the other industrial/commercial buildings in the vicinity. The cul de sac road also serves the parking and access to 'Carten Controls Ltd' the larger unit (no.609) to the north which has access to its own fenced off onsite parking area. It is proposed to provide a new access from the existing cul de sac to the north of the

site, to the proposed parking area. The Site Layout Plan shows a wayleave in yellow along part of the northern and eastern boundaries of the subject site, including to provide access from the cul de sac.

- 7.3.2. The DRA Consulting Engineers Civil Engineering Report provides that the development will consist of the construction of an access road leading to 16 private car parking spaces, a turning circle for articulated vehicles and associated ancillary works. It is provided that the proposed carpark is private and will exclusively serve the patrons/staff of Castit Ltd. The proposed turning circle is for articulated vehicles delivering goods to and from Castit Ltd. The site development works also includes the construction of a footpath for pedestrian access to the rear of the Castit Ltd building. It is of note that the subject site currently has 9no. spaces along the eastern boundary and proximate to the reception area of the unit. The proposed development will provide for an additional 16no. spaces to the northeast of the unit, and a service area to be accessible by the proposed new access. While there is a service access door to the unit from the northern end of the unit, there is currently no onsite access or turning area for articulated vehicles delivering goods to and from Castit Ltd. This proposal will provide such improved access for the unit.
- 7.3.3. The DRA Report notes that a swept path analysis has been undertaken as part of their planning submission and has demonstrated the proposed site entrance/exit point and internal layout can appropriately accommodate the manoeuvring and circulation of all user and emergency vehicles. They provide that the road access, internal road and footpaths shall be constructed in accordance with Recommendations for Site Department Works for Housing Areas and Waterford County Council. The Report concludes that given the scale of the proposed development and taking into account that its current location is well served by the existing road network, that the increase in road traffic during the operational phase of the development would be negligible. As such, they submit that the existing road network is deemed to have sufficient capacity to safely serve the proposed development.
- 7.3.4. The First Party response provides that it is in the interests of the public to clear this overgrown area within their site, and to secure their property by creating the proposed access road, service yard and additional parking to the rear of their building in a security fenced area to facilitate their ongoing business operations. That

the proposal is in keeping with the surrounding industrial units which already have service yards and secure parking areas within the environs of their buildings. That providing these secure areas aids in deterring anti-social activity by limiting access to hidden areas at the rear of the buildings and securing the buildings and facilities. They include that Cassit is a long established local company who wish to effectively utilise their own property to facilitate staff parking and secure their own site, similar to neighbouring industrial units within the estate.

7.3.5. I would consider that a rationale for the proposed development works has been provided and if the Board decides to grant, I would recommend, the inclusion of appropriate conditions regarding the access and parking area to be in accordance with current standards and guidelines.

7.3.6. I noted on site that there are two mature trees to the northwest of the proposed access to the site and parking area. These add to the street scene and character of the area and are located on either side of the existing northern access to the unit. It does not appear from the Site Layout Plan that these will have to be removed to facilitate the proposed access and ancillary works, but I would recommend if the Board decides to permit that a landscaping condition be included and that these trees be protected and retained.

7.4. Right of Way issue

7.4.1. The Industrial estate is largely cordoned/fenced off with as a separate use from the residential development to the east of the site. As noted on site there is an unmade pedestrian access route to the north of the site from the open space area of the green area that serves the housing area to the east. This provides a route across the stream and appears to be outside of the boundaries of the subject site. It is accessed via a gap in the fencing to the cul de sac estate road that serves the units to the north of the site. It appears to be in use and I noted some pedestrians using this on the day of the site visit.

7.4.2. The Planner's Report notes that the submitted documentation indicates an existing right-of-way which will not be impacted by the proposed development, while an element of the proposed access road is located on lands indicated to be in the

ownership of the IDA, with signed letter of consent from the IDA for the works to be undertaken submitted with the application.

7.4.3. The First Party response provides that there is no authorised public access from the adjacent housing development to the industrial estate. That the existing boundary fencing has been partially removed and a rough pedestrian access made across the stream into the estate has been created over time, which will not be affected by the proposed development. Having seen this on site, I would consider this appears to be the case. In any event it is difficult to ascertain that this is an established pedestrian right of way, over the stream area.

7.4.4. However, I would note, that in the event of encroachment or any dispute regarding easements concerning the adjoining property, the consent of the adjoining property owner is required. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*" In other words, the developer must be certain under civil law that he/she has all the rights in the land to execute the grant of permission.

7.5. **Drainage issues**

7.5.1. The Third Party submission is primarily concerned with drainage and flooding issues. That the proposed industrial road and carpark would damage the existing nature and environment of the stream area near the proposed carpark and areas both upstream and downstream. In addition, that the surface water drainage from the road and the carpark into the stream might also cause flooding further along the stream. Their subsequent grounds of appeal consider that the effects of the flood solutions proposed have not been considered and note the open space land zoning in this location. While they appreciate the consideration of the planning report regarding the flooding issue as the site is within Flood zone A and B, they don't consider that

enough consideration has been given to future flooding of this open area as they provide it is used for recreation by the residents of the adjoining housing area.

- 7.5.2. DRA Consulting Engineers Civil Engineering Report outlines the proposed surface water drainage for the proposed development. This has regard to existing services and notes the route of the foul water sewer line and the watermain. That there is an existing 225mm diameter surface water drain running along the northern boundary of the development site. The surface water drain is discharging to the stream running along the eastern boundary. It is noted that currently this is an overgrown area, and that the proposed development has the potential to cause changes to the surface water discharge/systems.
- 7.5.3. The DRA Report provides that it is proposed that the stormwater run-off from the development will be discharged into the existing stream running along the eastern boundary of the development site. The proposed surface water will be a closed gravity system with an offline surface water attenuation tank. A flow control device is to be fitted to the new surface water system to control discharge to the stream. The location of the proposed underground stormtech attenuation system storage tank is shown on the Proposed Stormwater Drainage Plan.
- 7.5.4. Surface water run-off is to be collected from impermeable surfaces (carriageway, parking spaces, footpaths etc) via road gullies. The collected surface water will be directed towards a proprietary flow control device fitted to a manhole and set at an outflow (details are given). They note that surcharge surface water upstream from the flow control device is to be directed to an underground proprietary Storm Tech (or similar approved) stormwater attenuation tanks providing up to 33.7sq.m of storage capacity for the 100 year storm event plus a 20% storage allowance for climate change. Surface water downstream (details of manhole given) will finally pass through a proprietary 'class 1' by-pass petrol inceptor before being discharged to the stream. It is proposed to construct a concrete drainage head wall at the discharge point and for a HDPE non-return flap to be fitted to the discharge pipe to mitigate against potential stormwater back flow to the subject site.
- 7.5.5. It is submitted that the proposed surface water network and associated attenuation system has been designed using the Causeway Flow software with reference to the DoELG guidance document 'Recommendations for Site Development Works for

Housing Areas' with guidance taken from the Greater Dublin Strategic Drainage Study (GSDSDS). That the proposed stormwater drains have been designed using Causeway Flow software. Table 1 of the DRA Report summarises the stormwater drainage design parameters used.

- 7.5.6. Section 4.2.2 of the Report notes the Causeway Flow Modelling Results. This notes that depths of water in the network model (including pipework, manholes, the attenuation tanks and hydrocarbons), have been assessed for surcharging and flood risk. The model is generated such that a flood risk is identified in the model results if the water rises to within 300mm of the cover level. If the water level rises to a level below this, it is identified as a surcharge in the model results. It is provided that the Causeway Flow models has demonstrated that the pipe design for the 1 in 5 year return period is adequate. That the simulation for the 1-30 and 1-100 year (plus 20% for climate change) return period has concluded that the network is protected against flooding. The detail Causeway Flow calculations (inputs and outputs) are presented in Appendix C.
- 7.5.7. Section 4.3 has regard to the use of Sustainable Urban Drainage Systems (SuDS) for surface water management and notes that this will be implemented as far as is practicable on this development. It is proposed to direct surface water from impermeable surfaces (roads, pavement, footpaths, hardstanding areas, etc) to an underground proprietary Storm Tech (or similar approved) stormwater attenuation tank and details are given of storage capacity.
- 7.5.8. The 2no. rainfall events considered in the design of the stormwater attenuation tank are the 30 year and 100 year storm events. They note that accepted SuDS practice requires the storage capacity for the 30 year storm event to be provided below ground. The additional surface water run-off generated by the 100 year storm event may be stored above ground level within the curtilage of the site. However, they submit that given the limited available space on the development site, it is proposed to provide additional storage capacity required for the 100 year storm event below ground level in the underground proprietary stormwater attenuation tank. That this is, to be provided with appropriate strength to allow for the trafficked load condition as noted. As shown on the Stormwater Drainage Layout Plan, there is to be a buffer where no development is proposed between the proposed car parking, service area and the watercourse.

7.5.9. It is submitted in the First Party response that Engineers proposals have addressed surface water runoff in agreement with the Council to include an attenuation tank complete with flow control. It is noted that the Council granted permission for the proposed development and included condition nos. 4 and 5 relative to surface water drainage. If the Board decides to grant permission, I would recommend that appropriate surface water drainage conditions be included.

7.6. **Flooding issues**

- 7.6.1. The DRA Report notes that the development site is located in an area which is not at risk of flooding to land, property and people. In an area which is not at risk from fluvial, pluvial and coastal flooding, and is therefore, considered to be in 'Flood Zone C'. That, as such a Flood Risk Assessment is not deemed necessary and no further flood related mitigation measures will be required for the proposed development. They refer to the OPW Flood Maps and note that on review of the Waterford Scheme Fluvial & Tidal Extent Map of the Suir CFRAM Study on this resource it was found that the proposed development site is located in an area not susceptible to fluvial or tidal flooding due to its location on elevated lands in relation to the River Suir. They note that the Fluvial & Tidal Extent Map can be found in Appendix D of this Report.
- 7.6.2. They refer to OPW flood maps and note that a local area summary report was generated for the development site which showed a number of past events within 2.5km of the map, most recently in February 2014. A copy of this Summary Local Area Report is contained in Appendix E of this Report. They provide that they are satisfied based on their desktop study, site inspection and local knowledge that the proposed development is located in an area not susceptible to fluvial or tidal flooding, and that the proposed structures and site works are set at a level which provides protection from flooding above the 0.1% AEP. In addition, they provide that the proposed development would not impede access to existing watercourses, nor would it result in increased flood risk elsewhere due to flood water displacement.
- 7.6.3. It is submitted that the Consulting engineers have liaised with the Council's engineering department and prepared a detailed report ensuring that the proposed drainage of the service yard and parking area are in compliance with the current regulations and SuDS guidelines and does not contribute to any potential flooding

issues in the area. Their response to the grounds of appeal relative to flooding and there being no alternative site available for the proposed development is also noted.

- 7.6.4. It is noted that as shown on Map 2 of Volume 4 of the Waterford City and County Development Plan the eastern part of the site i.e proximate to the stream is located within Flood Zone A. The Planners Report also notes this was indicated as Flood Zone A and B as per the 2013 OPW Flood Maps. As submitted in the Engineering Report, this area is not indicated as a flooding area as per the most recent OPW CFRAM mapping. That in any event the proposed site is to be used for carparking which is not considered a vulnerable use.
- 7.6.5. Regard is had to the *The Planning System and Flood Risk Management –Guidelines for Planning Authorities 2009*, include (section 3.5) as summary of the planning implications for each of the flood zones, Table 3.1 ‘Classification of vulnerability of different types of development’ relates i.e.:
- Zone A – High probability of flooding i.e.: suitable for water compatible development
 - Zone B – Moderate probability of flooding i.e.: suitable for less vulnerable development
 - Zone C – Low probability of flooding i.e.: suitable for more highly vulnerable development – e.g. housing etc.
- 7.6.6. Table 3.2 provides a ‘Matrix of vulnerability verses flood zone to illustrate appropriate development and that required to meet the Justification Test’. The proposed development to facilitate access, carparking and servicing for the existing industrial unit would not be considered to be a vulnerable use. Therefore, it is considered to be appropriate to Flood Zones A and B and a Justification Test as per the Guidelines is not required.

7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development located within an existing serviced urban area, and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed

development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the planning history and the established nature of the existing unit within the Industrial Estate and to the land use zoning that applies to the site under the Waterford City and County Development Plan 2022-2028, under which such development is acceptable, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would be in keeping with the character of the area and would not seriously injure the amenities of the area, would not be prejudicial to public health, and would be generally acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 30th day of August, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 3(a) The access road and entrance, parking, footpaths, service yard and traffic arrangements serving the site shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (b) Details of any new external lighting to the car park site shall be submitted. These works shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian and traffic safety.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed boundary fencing and hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) tree protection measures for the two existing trees either side of the existing access on the northern side of the site.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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.

Angela Brereton
Planning Inspector

29th of November 2023