



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314774-22

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<b>Development</b>	Construction of 99 dwellings.
<b>Location</b>	R708 Killure Road, Kilcohan, Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	22/80
<b>Applicant(s)</b>	S&K Carey.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Anthony Cleary & Michelle Troy, Johnjoe & Angela Hodgers, Secretary Kill St. Lawrence Residence Association, Mary P. Sherrard, Bart Zdrojowy.
<b>Observer(s)</b>	None.

**Date of Site Inspection**

28<sup>th</sup> June 2023.

**Inspector**

Peter Nelson

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## 1.0 Site Location and Description

- 1.1. The site has a stated area of 3.3 hectares and its previous use is stated as agriculture. The site is located on the Killure Road, the southern edge of Waterford City, and approximately 2.7m to the City Centre. The site is bounded by Killure Road (R708) to the east, Outer Ring Road to the south, and Kill St. Lawrence's entrance road to the north. There are cycle and footpaths along the Killure Road which connect the site to the city centre. The site is in an area of predominately residential development with the established Kill St. Lawrence Residential development to the north. The site surrounds a residential property and a site on which planning permission has been granted for a 2-storey creche, both to the east of the site and both with access off the Killure Road.
- 1.2. A gentle slope on the site falls from the north to the south. The site is at a higher level than the Killure road. There is an open timber fence with the hedgerow on the boundary with the Killure Road. The boundary with the Kill St. Lawrence Estates consists of a timber fence, tree planting, shrubs, and some additional palisade fencing. The southern boundary with the Outer Ring Road comprises open timber fencing and hedgerows. There are a number of lines of hedgerows within the site.

## 2.0 Proposed Development

- 2.1. The development includes the construction of 99 no. dwellings comprising of the following:

Type	Bedrooms	Number
Single Storey	3	4
Terraced	2	21
	3	6
	3 with optional attic conversion	44
	4 with optional attic conversion	4

<b>Semi Detached</b>	3 with optional attic conversion	20
<b>Total</b>		<b>99</b>

The proposed development will also include pedestrian access, vehicular entrance and alterations to the public footpath from the public road, carparking spaces, bicycle parking area, public open space, foul and surface drainage, street lighting, landscaping, boundary treatments, alterations of site levels and all ancillary site development works necessary to facilitate the development.

A masterplan for the adjoining lands in the applicant's ownership has been submitted with the planning application.

The application includes the following documentation:

- Traffic Report
- Ecological Impact Assessment
- Engineering Services Report
- Design Statement
- Letter from Childcare Committee.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Waterford City and County Council issued a decision to grant on the 20th of September 2022, subject to 28no. conditions. Conditions of note include:

- **No.2** requires the omission of sites Nos.60,61 and 62 and the lands reserved for the future provision of a childcare facility. Sites 98 and 99 are to be retained as dwelling units and are not to be omitted for a childcare facility as was proposed in the further information submitted on the 25<sup>th</sup> August 2022.
- **No.4** requires a total contribution of €430,000.
- **No.11** requires an agreed Construction Management Plan.

- **No.17** requires a comprehensive landscaping scheme to be agreed upon and implemented.
- **No.21** requires the agreement in writing with the Planning Authority under Section 96 of the Planning and Development Act 2000, as amended in relation to the provision of social and affordable housing.
- **No.25** requires an agreement with the Planning Authority restricting all the residential units permitted to the first occupation of individual purchasers and not a corporate entity.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

##### Planner Report (30<sup>th</sup> March 2022)

The report summarises the proposed development, the relevant policies and the submissions received. The planner's assessment can be summarised as follows:

- As the proposed development is for 99 dwellings and does not have access onto a national road, a Traffic and Transport Assessment is not required.
- While the density of the current scheme is a stated 30 units per hectare, the submitted masterplan allows for an overall density of 35 units per hectare, which is acceptable.
- An equivalent of 15% of the site area has been allocated as open space.
- The Housing Section has agreed to a Part V agreement and the transfer of 11no. of dwellings.
- The site is accessed from a new entrance via Kill St. Lawrence Road, which has been taken in charge by the Local Authority.
- The report recommends the applicant submit further information relating to:
  - the removal of sections of the boundary of Kill St. Lawrence,
  - increased pedestrian linkages,
  - drainage details, agreement with Irish Water,

- surface water,
- revised site layout details,
- boundary details,
- childcare details,
- landscaping scheme and
- revised site sections.

The applicant was requested to submit Further Information on the 31<sup>st</sup> March 2022.

Planner Report (1<sup>st</sup> July 2022)

After the revised public notices and further information were submitted, the planner's report recommended that the applicant be requested to submit clarification of further information relating to the following:

- Confirmation from Irish Water that the development can be serviced via the Airport Road or submit evidence of a separate valid planning consent to connect to the Old Tramore Road.
- As the developer has no control over the construction timeline of the adjoining childcare facility, the omission of house sites for the future provision of a childcare facility if required.

Planner Report (15<sup>th</sup> September 2022)

After the submission of Clarification of Further Information, the planner's assessment can be summarised as follows:

- The connection from the proposed pumping station will traverse lands in the applicant's ownership and a section of lands owned by Waterford City and County Council, who have indicated no objection to the proposal.
- Irish Water has stated that the proposal is feasible, subject to upgrades and further investigation.
- The applicant has submitted sites to be omitted to allow for a childcare facility.

- These are unsuitable, and it is recommended that an additional location with better connectivity is required by condition.
- Having regard to the site location, zoning, policies and objectives of the Waterford City and County Development Plan 2022-2028, the proposed development, subject to compliance with conditions, would be in accordance with the proper planning and sustainable development of the area.

### 3.2.2. Other Technical Reports

#### Water Services Waterford City and County Council

The report dated the 15<sup>th</sup> September 2022 from the Senior Engineer required two points of further information relating to the following:

- The submission of a 'Letter of Feasibility' from Irish Water regarding the servicing of the development and taking into account concerns relating to alternative arrangements for a Regional Wastewater Pump station.
- A redesign of the submitted attenuation design to allow for attenuation ponds with integrated Suds Design throughout the development.

#### Roads and Transportation

The Roads and Transportation report requested the applicant to consider the following:

- The continuation of the footpath between house No.80 and 81.
- Pedestrian access onto the Airport Road and Outer Ring Road.
- Filling in the dead spaces located at 90-degree road bends to prevent car parking.
- Redesign of the vehicle access to houses No. 61 and 62.

#### Environmental Section

The initial report dated 10<sup>th</sup> March 2022 from the Senior Executive Engineer required three points of further information requiring:



- Details of the potential impact of noise on the proposed development and any mitigation measures required.
- Details of how to address potential antisocial behaviour resulting from rear gardens access laneway, which are not overlooked.
- Submit a Construction and Demolition Resource Waste Management Plan.

The second report dated 14<sup>th</sup> September 2022, after the submission of Further Information, states no objection subject to No.2 Conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Thirteen observations were received on the original application; their comments can be summarised as follows:

- The proposal shows access to the proposed development via three points along the main existing spine road in the Kill St. Lawrence Estate, which already serves 184 houses.
- Currently, there is a queue of cars trying to enter or exit the estate at busy times.
- A Traffic & Transport Assessment is required.
- Concern for traffic risk for children playing on existing green area.
- 500 dwellings will exit onto the R708 at one point, with the potential to block emergency access at this point.
- A tree-lined avenue for Kill St. Lawrence should be maintained.
- The existing entrance to Kill St. Lawrence should not be used for construction traffic.
- The contemporary design of the proposed dwellings requires a boundary to act as a buffer to separate two distinctive design styles.
- The proposed accesses to Kill St Lawrence will cause antisocial behaviour.

- Negative impact on flora and fauna.
- The proposed development will impact a direct route to Waterford Regional Airport.
- Increased noise pollution.
- The existing boundary should be maintained.
- Four-storey buildings will cause overshadowing and overlooking.

4no. Observations were received on the further information submitted; their comments can be summarised as follows:

- The same concerns relating to the proposed use of the existing Kill St. Lawrence entrance.
- Clash of design of the existing and proposed development.
- Loss of hedgerows and wildlife habitats.
- Construction traffic.
- Traffic safety concerns.
- Overlooking and overshadowing the proposed four-storey dwellings.

## 4.0 Planning History

### Adjoining Sites

#### **P.A. Ref: 21/377**

Permission was granted on the 23<sup>rd</sup> September 2021 for the construction of a new 2-storey creche consisting of the following at ground floor level, 1 no. baby room, 1 no. baby sleep room, 2 no. wobbler rooms with associated sleep room, 2 no. toddler rooms, new kitchen and utility room, office, isolation room, lift and associated ancillary areas and at first-floor level 3 no. Pre-Montessori classrooms and 3 no. Montessori classrooms, new office and staffroom and associated ancillary areas, together with a new entrance and associated boundary treatments, new carparking and set down area, bin store, bicycle store, external soft play, hard play and grass play areas, external lighting and signage together with all associated drainage connection works and all ancillary site works.

**P.A. Ref: 16/476**

Permission was granted on the 2<sup>nd</sup> of November 2016 for modifications to the approved layout under planning permission 08/190 and 13/66 to include relocation of one turning area, changes to house types and omission of 4 houses. This revised layout consists of 9 detached 4-bedroom 2-storey houses with optional sunrooms to the rear, 4 semi-detached 3-bedroom 2-storey houses with optional sunrooms to the rear and 3 x 4-bedroom 2-storey detached corner houses.

**P.A. Ref: 13/500066**

Extension of duration granted on the 20<sup>th</sup> November 2013 for 08/190 for construction of 63 no. two-storey houses comprising 7 no. detached and 56 no. semi-detached houses and associated site works (being a revised and extended scheme to previously approved development - ref: 06/398).

**P.A. Ref: 08/500190**

Permission was granted on the 4<sup>th</sup> August 2008 for the construction of 63 no. two-storey houses comprising 7 no. detached and 56 no. semi-detached houses and associated site works (being a revised and extended scheme to previously approved development ref. ref. 06/398).

**P.A. Ref: 06/500398**

Permission was granted on the 18<sup>th</sup> December 2006 for the construction of 91 two-storey houses comprising 14 no. detached houses, 54 no. semi-detached houses and 23 no. terraced houses and associated site works.

**P.A. Ref: 05/500218**

Permission was granted on the 20<sup>th</sup> December 2005 for the construction of construction of a creche and 71 No. 2-storey houses comprising 5 No. detached, 46 No. semi-detached and 20 No. terraced houses and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

The Waterford City and County Development Plan 2022-2028 is the operative Development Plan for the area. This plan came into effect on the 19<sup>th</sup> July 2022.

#### Core Strategy Policy Objectives

- Enabling Growth
- Compact Growth
- Concentric City

#### Relevant Policies

##### **W City 23:** New Sustainable Neighbourhoods

We will promote and support consolidation of Waterford City in two new neighbourhoods as identified in the RSES i.e. City South West Neighbourhood (University/ Ballybeg/ Kilbarry/ Lacken), and City North West Neighbourhood (Carrickphierish/ Gracedieu), in a manner that implements the place making strategy and housing strategy of the Development Plan, and supports the role of Waterford City as an international location of scale, and a primary driver of economic and population growth in the Southern Region.

##### **W City 29:** City Suburbs

To retain, protect and improve the environmental qualities of the existing suburban areas; to reinforce their neighbourhood/district commercial centres and to provide for additional community youth and public services, amenities and facilities as required.

##### **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 regard to 'Ireland's Government Road Safety Strategy 2021–2030.

**Trans 51:** Mobility Management Plans, Traffic and Transport Assessment (TTA) and Road Safety Audits.

We will require all applications for significant development proposals in accordance with DM Standard set out in Volume 2 to be accompanied by Mobility Management Plans (MMPs), Traffic and Transport Assessment (TTA) and Road Safety Audits, to be carried out by suitably competent persons, in accordance with the 'National Transport Authority the preparation of workforce travel plans a guide for implementers' and TII's Traffic and Transport Assessment Guidelines.

**UTL10:** Flooding/ SFRA

- To reduce the risk of new development being affected by possible future flooding by: Avoiding development in areas at risk of flooding,
- Where possible, reducing the causes of flooding to and from existing and future development,
- Increase the application of SuDS such as permeable paving, bioretention/infiltration ponds, swales and Natural Water Retention Measures, and the identification of existing areas which may be suitable for temporary storage/overflow of water during heavy storms,
- Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction, and adaptation to the risk; and,
- 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).
- To support the making of Local Area Plan for larger urban centres we will prepare surface water management plans where adequate data exists to support their preparation. Where data is lacking, we will carry out a data

review gap analysis and prepare conceptual surface water management plans as an initial step.

- We will support the development of new flood relief schemes by the OPW, in particular those at Aglish, Ballyduff and Dungarvan & Environs while protecting public investment in flood relief schemes.

## Housing Polices

### **H 01**

To promote compact urban growth through the consolidation and development of new residential units on infill/ brownfield sites and mews and townhouse developments and support the most efficient use of publicly owned lands for residential and mixed-use developments. This will be achieved through working in collaboration with landowners, the Land Development Agency, The Housing Agency and other statutory and voluntary agencies and by the utilisation of available funding (URDF and RRDF) for plan and nature-based infrastructure led development.

### **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.

### **H 04**

We will promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/ brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities. This will be achieved by:

- Facilitating and supporting a range of residential densities and building heights appropriate to the context and residential amenity of a proposed development location.
- Proximity to high-capacity public transport corridors and investment in sustainable and/ or active transport infrastructure.
- Supporting the permeable integration and densification of existing built-up areas.
- Supporting residential development proposals and urban design which incorporate clustering of mixed land use and co-location of services in appropriate location(s), or where quick and easy access to such services is available.
- Promoting and ensuring qualitative design and technological solutions which deliver adaptable residential/living units/spaces and urban design.
- Ensuring the integrated provision of quality green and blue infrastructure components/ public open space and networks of same so as to achieve distinctiveness and sense of place across our neighbourhoods; and,
- Requiring the provision of support infrastructure/ facilities to encourage sustainable mobility.

## **H 17**

We will encourage the establishment of attractive, inclusive and sustainable residential communities in existing built up areas and new emerging areas.

### **Specific Development Objective**

#### **WCD019 Couse Stream –**

The landscaping and provision of open space for the development of new residential areas shall provide for the following: Incorporating the Couse Stream as a central element in public open space and ensure habitat restoration along the length of the watercourse, c. 2 ha of usable open space and habitat areas to be provided across new housing areas to include enhanced tree planting and permeable active travel routes for cyclists/pedestrians along the boundary with the outer ring road and links between the new housing and existing housing areas.

## 5.2. **National**

### **The National Planning Framework – Project Ireland 2040, (2018).**

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note, National Strategic Outcome 1 (Compact Growth) sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

Relevant policies include NPO 4, 6, 11, 13, 18a, 18b & 35. Chapter 6 deals with the matter of 'People Homes and Communities' and includes 12 objectives among which:

Objective 27 seeks to: "ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages."



Objective 33 seeks to: “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

Objective 35 seeks to: “increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

The National Framework Plan sets out Key future growth enablers for Waterford which include:

- Identifying infill and regeneration opportunities to intensify housing and employment development throughout city centre and inner suburban areas.
- Progressing the sustainable development of new greenfield areas for housing and the development of supporting public transport and infrastructure.

### **Housing for All – A New Housing Plan for Ireland to 2030 (2021).**

It is a multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs.

The government’s overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price,
- built to a high standard and in the right place,
- offering a high quality of life.

The government’s vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions, which will deliver a range of housing options for individuals, couples and families.

### **Section 28 Ministerial Guidelines**

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Department's Circular Letter NRUP 02/2021 issued to Planning Authorities on the Application of Residential Densities in Towns and Villages.
- Design Manual for Urban Roads and Streets (DMURS).
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009).

### 5.3. **Natural Heritage Designations**

The Lower River Suir Special Area of Conservation is located approximately 2km from the subject site.

### 5.4. **EIA Screening**

The proposed residential development is located within an urban area on zoned and serviced land. Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. A two-storey cheche has been permitted on the adjoining site. An overall masterplan for the applicant's landholding has been submitted, and there is no real likelihood of significant cumulative effects. Future phases will be subject to screening considerations in due course.

An EIA - Preliminary Examination form has been completed and having regard to the above and to Schedule 7 Criteria, the need for environmental impact assessment can be excluded.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

While there is overlap between the grounds raised by the appellants, for clarity, I shall set them out separately below. My assessment will consider the grounds of appeal.

#### 6.1.1. **Appeal No.1 by Johnjoe & Angela Hodgers.**

The grounds of appeal can be summarised as follows:

##### Traffic Impact

- There are three access roads proposed along the existing spine road in the Kill St. Lawrence Estate.

- There is existing traffic congestion on this road.
- The proposed increase in traffic could cause traffic hazard and noise pollution for existing residents.
- A separate entrance onto the R710 outer ring road would be a more suitable entrance for the proposed development.
- No Traffic and Transport Assessment was submitted as part of the planning application.
- The proposed development will significantly impact the road network of Kill St Lawrence and surrounding area.
- The entrance link for phase 1 exiting adjacent to the central green area for the Kill St. Lawrence Estate. Concerned that this junction will cause increased risk to the safety of children playing.
- Concerns that when phases 1 and 2 are complete, the traffic using the one entrance from the R708 could block emergency access.

#### Ownership

- The original developer still owns the main Kill St. Lawrence Estate access road, and no letter of consent was submitted on the planning application.

#### Boundary Between Kill St. Lawrence Estate and the Proposed Estate.

- No clear information was provided regarding the proposed southern boundary.
- The existing estate boundary is to be removed.
- The existing road was designed as a tree-lined avenue and should be retained and reinforced.
- Object to any pedestrian links along this boundary due to potential antisocial behaviour.

#### Design of Development.

- The proposed design of the dwellings is contemporary, which is different to the design of the Kill St. Lawrence estate. Therefore, the retention of the boundary is required to act as a buffer between the separate designs.

### Construction Traffic

- There is no reason for any future development to use Kill St. Lawrence for any construction traffic, as it would have a negative impact on the existing residents.

#### 6.1.2. **Appeal No.2 by Anthony Cleary & Michelle Troy.**

The grounds of appeal can be summarised as follows:

### Traffic Impact

- Object to the proposed entrance located within the Kill St. Lawrence Estate along the spine road and in front of the central green area.
- An entrance off the airport road and the outer ring road would be better suited.
- There is precedent for access via the outer ring road.
- A traffic risk assessment was not carried out.
- When all the phases are completed, there will be a traffic increase of 230%, converging through Kill St. Lawrence to R708.
- Removing the proposed estate access through Kill St. Lawrence would remove the pressure on Kill St. Lawrence and the R708 Killure Road.

### Removal of Boundary Wall/Trees

- Kill St Lawrence estate was sold as an estate with a tree line entrance.
- Kill St. Lawrence needs to continue as an enclosed independent estate.

### Construction Traffic

- The increased traffic of heavy machinery through the estate increases the risk to the safety of existing residents.

#### 6.1.3. **Appeal No.3 by Secretary Kill St. Lawrence Residence Association.**

The grounds of appeal can be summarised as follows:

### Traffic Impact

- No Traffic & Transport Assessment has been submitted.
- There is road frontage to the proposed site to exit onto the R708 Killure Road, which would not impact the Kill St. Lawrence estate.
- There is precedent in neighbouring developments to exist on the Outer Ring Road.
- The proposed development will significantly impact the road network of Kill St Lawrence and surrounding area.
- The entrance link for phase 1 exiting adjacent to the main green area for the Kill St. Lawrence Estate. Concern that this junction will cause increased risk to the safety of children playing.
- Concern that when phases 1 and 2 are complete, the traffic using the one entrance from the R708 could block emergency access.

#### Boundary Between Kill St Lawrence Estate and the Proposed Estate.

- No clear information was provided regarding the proposed southern boundary.
- Object to removing the existing boundary between Kill St. Lawrence and the new development.
- The existing road was designed as a tree-lined avenue that should be retained and reinforced.
- Object to any pedestrian links along this boundary due to potential antisocial behaviour.
- The proposed design of the dwellings is contemporary, which is different to the design of the Kill St. Lawrence estate. Therefore, the retention of the boundary is required to act as a buffer between the separate designs.

#### Construction Traffic

- Construction traffic would have a negative impact on the upkeep of the road and the well-being of residents.

#### 6.1.4. **Appeal No.4 by Mary P. Sherrard.**

The grounds of appeal can be summarised as follows:

##### Traffic Impact

- When all phases are complete, the new development will create a potential increase of over 160% in traffic volumes, causing considerable congestion at the existing entrance.
- The R708 is the direct route from Waterford City Centre to Waterford Regional Airport. It is a development plan policy to restrict development along the R708 route.
- The proposed increase in traffic from Kill St. Lawrence will significantly negatively impact the R708 road between Waterford City and Waterford Airport.
- An alternative entrance for the new estate would be directly on the R710 Waterford Ring Road.
- No Traffic and Transport Assessment was carried out or submitted with the application.
- There will be a considerable increase in danger to children using the existing central green area.
- Potential blocking of the existing entrance for emergency vehicles.

##### Design

- The difference in design styles of the proposed development and the Kill St. Lawrence estate will not blend easily together. Therefore, the existing boundary between the two estates should be retained and reinforced with denser planting.

##### Security

- The proposed accesses into Kill St. Lawrence will lead to increased antisocial behaviour.

##### Ownership

- It appears that the boundary lands and the access road are not in the applicant's ownership. Therefore, the Planning Authority has given permission to the applicant to utilise/build on property that is not in the applicant's ownership.

#### Impact on Faura & Fauna

- The existing boundary hedgerow planting to the east and south of Kill St. Lawrence is a breeding ground for the common frog and other wildlife. It is important that this hedgerow is retained and remains unbroken by access roads.

#### **6.1.5. Appeal No.5 Bart Zdrojowy, Chair – The Drive, Kill St. Lawrence**

I note this appeal also includes a letter of amendment, which includes a list of 308no. signatures from the residents of Kill St. Lawrence. These were attached to the application submission and to an invalidated previous application.

The grounds of appeal can be summarised as follows:

#### Traffic Impacts

- Waterford City has no precedent for an existing estate with over 360 housing units and only one single vehicular entrance.
- When completed, 506 no. units will be serviced by the only entrance at R708 Killure Road, which would be dangerous and unsustainable.
- No Traffic and Transport Assessment was submitted with the application.
- No consideration was given to other potential access points.
- The entrance link for Phase 1 is opposite an existing green area. The increase in traffic will cause a considerable increased risk to traffic safety.

#### Ownership

- The existing spine road and open spaces at Kill St. Lawrence are privately owned and have not been taken in charge. No letter of consent from the owners was submitted on the planning application.

#### Safety



- The proposed permeability and connected neighbourhood idea does not seem to work within the Waterford City South LEA with existing lanes and passageways being blocked due to antisocial behaviour.
- Concern that adding road and pedestrian links between the proposed development and the existing will result in increased antisocial behaviour.

#### Boundary Concerns

- Object to the southern boundary of Kill St. Lawrence being removed, partially removed or retained and feel it should be retained and further augmented with native shrubbery as part of the future development.

#### Construction Traffic

- Construction traffic through Kill St. Lawrence would have a negative impact on the upkeep of the existing road and the well-being of residents.

## 6.2. Applicant Response

The applicants submitted a response to the Third-Party Appeals. The main points raised in the response can be summarised as follows:

- The proposed development has vehicular access off the R708 Killure Road and the Kill St. Lawrence main distributor road, which currently serves the Kill St. Lawrence estate and has been taken in charge by the planning authority.
- In pre-planning discussion, the applicant was advised that access off the existing Kill St. Lawrence main distributor road was acceptable, and that pedestrian and cycle links would be required onto Kill St. Lawrence, Killure Road (R708) and the Ring Road.
- It was a specific requirement from Planning Officials to have housing facing onto the Ring Road but not have vehicular access off the Ring Road. Housing along the Kill St. Lawrence Road Frontage was also required to face the road.
- The applicant is fully aware of their requirements under Section 34(13) of the Planning and Development Act.

#### Roads and Traffic

- A Traffic Impact Assessment (TIA) was not required as the volume of traffic generated by the proposal would not exceed 10% of that on the R708 Killure Road.
- A TIA was not requested as part of the Further Information Request.
- There will likely be more than 200 dwellings on the applicant's landholding when later phases of the development are planned, and the need for a TIA will be reassessed at this stage.
- The applicant has an access option to serve some of the future housing off the Kilcohan Road to the southwest. The appeal assumes all traffic will enter and exit from the Killure Road (R708), which is incorrect.
- Allowing vehicular access onto the ring road from the current site would conflict with the transportation objectives contained in Section 5.5 of the Development Plan.
- Traffic from The Avenue, The Grove and The Drive already pass the main open space in Kill St. Lawrence estate, and there is no suggestion by the appellants that children are currently not safe playing in the open space.
- There are zoned lands on either side of the R708 between the city centre and the outer ring road, and traffic travelling from the city centre towards the ring road will not be hindered by the proposed development.

#### Safety Concerns

- The proposed pedestrian and cycle links will be to the existing footpaths along the Kill St. Lawrence distributor road.
- The proposed houses will introduce natural surveillance to areas behind hedgerows and planting along the distributor road that is currently not overlooked.
- The Planning Authority supported having most of the houses fronting onto the distributor road.

#### Construction Traffic Concerns

- The developer intends to bring all construction traffic from the Kilcohan Road to the sites southwest.

- No construction traffic will enter via the Kill St. Lawrence Road.
- Construction traffic will be included in the required Construction Management Plan.

#### Design

- The Planning Authority Planner noted that although different to the existing residential development, a different house design can contribute to a sense of place.
- The proposed house designs are distinctive, varied and complementary to the existing residential properties.

#### Flora and Fauna

- An Ecological Impact Assessment was submitted as part of Further Information.
- The Assessment found no evidence of any protected species within the existing hedgerows.
- The Assessment included mitigation recommendations during construction, which the developer will follow.

### **6.3. Planning Authority Response**

The main points raised in the planning authority's response to the third-party appeals can be summarised as follows:

- The Planning Authority's Road Section reviewed the proposal.
- Regarding the location and scale of the proposal, the public road network in the area has sufficient capacity to accommodate the proposal.
- A TTA was not required in this instance, and the proposed access point would not give rise to a traffic hazard.
- The proposal provides for pedestrian connectivity to the Airport Road and outer ring road to the south of the site; it does not provide for improved connectivity or pedestrian movements in the adjoining existing development.
- The Heritage Officer reviewed the Ecological Assessment.

- A grant of permission is covered by section 34(13) of the Planning and Development Act 2000 (as amended).

#### 6.4. **Observations**

None Received

#### 6.5. **Further Responses**

None Received

### 7.0 **Assessment**

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

- Zoning and Density.
- Traffic and Access
- Safety and Security
- Design
- Biodiversity
- Legal Issues
- Creche – New Issue
- Appropriate Assessment

#### 7.2. **Zoning and Density**

7.2.1. In the Waterford City and County Development Plan 2022-2028, the site is zoned for R1 New Residential, the objective of which is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure. Residential development is permitted in principle on this zoning. The

Development Plan Core Strategy states that all lands zoned for new residential development (R1) are considered to be developable during the lifetime of the Development Plan.

- 7.2.2. Section 5.11 of the Sustainable Residential Development Guidelines states that for Outer Suburban/ 'Greenfield' sites within cities and larger towns, the density of development should be in the general range of 35-50 dwellings per hectare.
- 7.2.3. Section 5.11 of the guidance also states that development at net densities of less than 30 dwellings per hectare is generally discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.
- 7.2.4. The proposed development has a stated site area of 3.39 hectares, and 99 dwellings are proposed, equating to a density of 29.2 units per hectare. The Department's Circular Letter NRUP 02/2021 allows for, in certain circumstances, densities below 30 dwellings per hectare subject to Section 5.12 of the Sustainable Residential Development Guidelines. A master plan has been submitted with the application. The master plan indicates an overall site ownership area of 11.9 hectares with zoning and 424 units proposed. This would equate to a density of 35.6 units per hectare, which would comply with the Sustainable Residential Guidelines. While I would have concerns relating to the low density of phase one of this development, I recognised that the overall master plan has an acceptable density. I note that the Planning Authority has accepted the principle of the remaining site being developed at a higher density.

### **7.3. Traffic and Access**

- 7.3.1. TII Traffic and Transport Assessment Guidelines 2014 states that the threshold for carrying out a Traffic and Transport Assessment is for residential development in excess of 200 dwellings and where traffic to and from the development exceeds 10% of the traffic flow on the adjoining road and where traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists, or the location is sensitive.
- 7.3.2. The submitted indicative masterplan drawings show an overall development of 424 dwellings and with an additional entrance off the Old Tramore Road. The master

plan shows an indicative 310 dwellings being accessed by two entrances from the Kill St. Lawrence Distributor Road.

- 7.3.3. In their response to the appeal, the Executive Planner states that the Council's Road Section reviewed the proposal. It was the opinion of the Local Authority, having regard to the location and scale of the proposal, that the public road network in the area has sufficient capacity to accommodate the proposal, that TAA was not required in this instance and that the proposed access point would not give rise to a traffic hazard. While it is unfortunate that a TAA was not carried out for the masterplan area, I consider that given the scale of the proposed development, a TAA is not required for the current application. A TTA may be necessary for the remainder of the development.
- 7.3.4. The appellants have raised concerns about the proposed development using the existing Kill St. Lawrence Road. The existing road is a 7.3 m wide distributor road and only has accesses on its northern side. I note that this road is a 'Slow Zone' with a 30km/h speed limit. I consider that this distributor road and its junction with the Killure Road has the capacity to allow for the proposed 99no. dwellings.
- 7.3.5. The appellants have raised concerns regarding the location of the access adjacent to the existing open areas and the impact it will have on the safety of children playing. The existing open space faces onto the distributor road. Additional entrances to this distributor road will help to reduce the speed along this road. I consider that additional traffic arising from the proposed development will not significantly impact the area's existing residential amenity.
- 7.3.6. There is an existing right-turning lane into the Killure Road into the Kill St. Lawrence estate. I do not consider that the proposed development will lead to significant traffic congestion at this junction. As is the case with the Local Authority, I also consider that the area has sufficient capacity to accommodate the proposed development.
- 7.3.7. The appellants have raised concerns relating to potential Construction Traffic using the existing Kill St. Lawrence distributor road. In the appeal response, the applicant stated that the developer intends to bring all construction traffic in from the Kilcohan Road to the south of the site and that no construction traffic will enter from Kill St Lawrence. If the Board is minded to grant permission, I recommend that a condition

be attached requiring the agreement with the planning authority of a Construction Management Plan, which will include a detailed traffic management plan.

#### 7.4. Safety and Security

- 7.4.1. The appellants have raised concerns regarding the proposed development's impact on the safety and security of the existing Kill St. Lawrence Estate. Specific concerns have been raised regarding the provision of pedestrian access points and the removal of the existing boundary fencing and hedgerow. I note that this will be replaced with a 1m high wall.
- 7.4.2. It is a design principle of the DMURS guidelines to support the creation of integrated street networks that promote higher levels of permeability and legibility for all users and, in particular, more sustainable forms of transport.
- 7.4.3. One of the methods to support the development of sustainable communities street networks should maximise the number of walkable/cyclable routes between destinations. The proposed development allows for pedestrian routes from the proposed development to the existing distribution road and from the proposed development to the Killure Road. I note that the Local Authority requested such linkages as part of a further information request.
- 7.4.4. I consider that the four pedestrian links to the existing distributor road are an integral element of the development aim to create a sustainable community. I note that it is proposed to create a pedestrian linkage with the Cumann Na Mban Ring Road in a planning application for Phase 2.
- 7.4.5. The existing boundary is to be removed save for a tree line section adjacent to dwelling no.48. Dwelling Nos. 21 to 29 will face directly onto the existing distributor road. A 1m high wall with pedestrian access points is proposed to take its place. Annotated gables for houses No.1, 30 and 48 will also face onto the distributor road.
- 7.4.6. The safety and security of the public realm are one of the twelve design criteria for residential development contained in the '*Urban Design Manual: A Best Practice Guide.2009*' One of the indicators is that open space is overlooked by surrounding homes so that the area is safe to use. The proposed layout will provide a degree of surveillance along this road. It will add to the surveillance of the existing open space

areas in Kill St. Lawrence and create a level of surveillance that is missing in sections of the existing distributor road. I therefore consider that the proposed development will add to the level of security in the existing Kill St Lawrence development.

## 7.5. Design

- 7.5.1. The difference in design styles of the proposed development and the Kill St. Lawrence estate has been highlighted in the appeal. It is claimed that the two developments will not blend easily together, and therefore, the existing boundary between the two estates should be retained and reinforced with denser planting. The boundary issue with Kill St. Lawrence has been dealt with above in Section 7.4.
- 7.5.2. The proposed dwellings consist of semi-detached and terraced two-storey dwellings and four single-storey detached dwellings. The form and scale of the proposed dwellings are similar in nature and scale to that of the adjoining Kill St. Lawrence.
- 7.5.3. The dwellings are to be finished in blue/black slates or tiles, rendered walls and a selected grey brick used in different locations depending on the house type. I recognise that the design of the dwellings will contrast with the dwellings of Kill. St Lawrence. I do not consider that the difference in the design will necessitate the need for a boundary between the development. I considered that the contrasting design of the proposed development would create a distinctive addition to this area, complementing the existing dwellings in the immediate area.

## 7.6. Biodiversity

- 7.6.1. The appellant has raised concerns about the loss of flora and fauna arising from removing the existing boundary adjoining Kill St. Lawrence. Aside from a section of existing trees and hedgerows adjacent to the side of proposed house No.48, the remaining planted boundary will be removed. The applicant submitted an Ecological Impact Assessment by Russell Environmental and Sustainability Services as part of further information. The appellants have raised concerns that the existing boundary hedge is a breeding ground for the common frog and other wildlife, such as hedgehogs. The Ecological Impact Assessment states that the *‘thorough search was*



*made of the hedgerow where the Common frog Rana temporaria was reported (planning objections) and there was no drainage ditch or water anywhere nearby that would provide a suitable habitat for this species.'*

- 7.6.2. The Ecological Impact Assessment states that the species of birds present were House Sparrow, Blackbird, Pied Wagtail, Blue Tit, Woodpigeon and Carrion Crow. Foxes and rabbits were also present.
- 7.6.3. The Ecological Impact Assessment recommends mitigation measures relating to the protection of birds during the site clearance works and the protection of the stream at the site's boundary during construction from surface and stormwater runoff. Additional construction mitigation measures are proposed.
- 7.6.4. I note that the submitted landscaping plan details areas of mixed native tree planting; this will help compensate for any loss of the existing boundary planting. I consider that the proposed development will not have a serious negative impact on the area's biodiversity.

## **7.7. Legal Issues**

- 7.7.1. The appellants raised the issue of the legal right to use the existing Kill St Lawrence main distributor road as the entrance to the proposed development. It is suggested that the distributor road has not yet been taken in charge and is in private ownership; therefore, a letter of consent from the owner of the road should have been included with the application.
- 7.7.2. Kill St Lawrence (phases 1 and 2) are included on the Waterford City & County list of Estates taken in charge. The Council Planner's report states that the section of the Kill St. Lawrence Road has been taken in charge by the Local Authority.
- 7.7.3. Regarding the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consent that may have to be obtained is essentially a subsequent matter and is outside the scope of the planning appeal.

## **7.8. Creche – New Issue**

- 7.8.1. Condition No.2 (c) of the grant of permission requires sites No.60,61 and 62 on Drw. No.PP-05 be omitted and reserved for the future provision of a childcare facility to serve the development. I note that planning permission (file ref: 21/377) has been granted on the adjoining site for a 2-storey creche to accommodate 206 children. This application has yet to be built, and it is noted the site is not in the applicant's control. I also note that there is a purpose-built preschool on the Old Tramore Road.
- 7.8.2. There is a letter submitted with the planning application from the Waterford Childcare Committee dated the 23<sup>rd</sup> May 2022, which states that in the short term, this development will meet the childcare needs of the area. The Waterford Childcare Committee requests that phase 2 of development include plans for a childcare facility to provide for the future childcare needs of the area. I considered that a childcare facility serving the overall development adequately designed into the layout of the second stage of the development would be a better solution to providing childcare for this first phase. I, therefore, consider that the reservation of house sites No.60,61 and 62 is not required for the provision of childcare for this stage of the development.

### 7.9. **Appropriate Assessment**

Having regard to the proposed development of 96 dwellings in a serviced urban area and not in or adjacent to a European Site, I am satisfied that 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**

I recommend that permission be GRANTED for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the zoning objective of the site in Waterford City and County Development Plan 2022-2028, the design and scale of the proposed development, and the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would represent an appropriate residential density and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information plans and particulars submitted on the 3rd day of June 2022 and the details submitted on the 25<sup>th</sup> 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.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

3.	<p>Sites No.98 and 99 shall be retained as dwelling units and shall not be omitted for a childcare facility as indicted on the details submitted to the Planning Authority on the 25<sup>th</sup> August 2022.</p> <p>Reason: In the interest of clarity and the proper planning and development of the area.</p>
4.	<p>a) Prior to the commencement of development, a detailed specification for the treatment of the boundary wall running along the northern boundary of the site bounding Kill St Lawrence Road shall be submitted to and agreed with the Planning Authority. The boundary shall have a brick or stone finish.</p> <p>b) All block boundary walls shall have a render finish to the public side.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Mitigation measures as outlined in Ecological Impact Assessment shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment,</p>
6.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 3<sup>rd</sup> day of June 2022. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
7.	<p>Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or</p>

	<p>topographical features, or other alternatives acceptable to the planning authority.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
9.	<p>An environmental noise barrier designed in accordance with Specification for Road Works – Fencing and Environmental Noise Barriers, by the TII or similar shall be installed to the boundary fronting the Cumann na mBan Ring Road (R710). Prior to the commencement of development full details of the environmental noise barrier shall be submitted and agreed with the Planning Authority.</p> <p><b>Reason:</b> Having regard to the sites location within an area identified in the Waterford City and County Council Noise Action Plan 2019-2023 and in the interest of residential amenity.</p>
10.	<p>The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
11.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction</p>

	<p>and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
14.	<p>The developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann (formerly Irish Water), prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
15.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.</p>

	<p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
16.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
17.	<p>a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has it has not been possible to transact each of the residential units for use by</p>

	<p>individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
18.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the</p>



	<p>development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

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Peter Nelson  
Planning Inspector

6th September 2023

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	314774	
<b>Proposed Development Summary</b>	Construction of 99 Dwellings The overall site area is 3.39ha	
<b>Development Address</b>	Killure Road Kilcohan, Waterford	
<p><b>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.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>While the site is a green field site, the site is in an established residential area which is well served by public transport and social infrastructure.</p> <p>The residential development will not result in the production of any significant waste, emissions or pollutants. Localised construction impacts will be temporary.</p>	<p>No</p> <p>No</p>
<b>Size of the Development</b>		No

<p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the development is not exceptional in the context of the existing surrounding residential development.</p> <p>A two storey cheche has been permitted on the adjoining site and an overall masterplan for the applicant's landholding has been submitted. This is phase one and there is no real likelihood of significant cumulative effects with the permitted creche.</p>	<p>No</p>
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>There are no ecologically sensitive locations in the vicinity of the site. The nearest European site The Lower River Suir Special Area of Conservation is located approximately 2km from the subject site.</p> <p>I consider that the development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p> <p>No.</p>
<p><b>Conclusion</b></p>		

There is no real likelihood of significant effects on the environment.  EIA not required.		
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**Inspector:**

**Date: 6<sup>th</sup> September 2023**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)