



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315967-23

<b>Development</b>	Residential development comprising 74 two storey houses and 16no. mews type dwellings, construction of childcare facility and all associated site works. This application is accompanied by a Natura Impact Statement.
<b>Location</b>	Lands at Knockboy, Dunmore Road, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	22146
<b>Applicant(s)</b>	SuirBay Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Stephen & Michele Beatty
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> of October 2023
<b>Inspector</b>	Angela Brereton

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Appendix 1 - Form 1: EIA Pre-Screening

Appendix 2 - Form 2: EIA Preliminary Examination

## 1.0 Site Location and Description

- 1.1. The application site (stated area 5.47ha) is located in the southeastern suburbs of Waterford City, in the area of Knockboy (c.5km from the city centre). The site is on the northern side of and fronts onto the Regional Road R683 (Dunmore Road) and is proximate to the Ballygunner Junction. It is currently an undeveloped, extensive and irregularly shaped greenfield site in agricultural use. It is to the south of the River Suir, adjacent to and east of Island View housing estate.
- 1.2. The site is undulating and slopes away from the public road in a northerly direction towards the River Suir. The central part of the site appears to have been partly filled in and the levels raised. The western and southern parts of the site have been used as arable land and have been in crop. It is noted that there is a significant change in levels throughout the site, due to the sloping nature of the land, particularly to the eastern side of the site.
- 1.3. There is a derelict stone building in a ruinous condition located within the site. On the day of my site visit, I noted that the northern part of the site, particularly in the vicinity of the ruin, was wet with a highwater table and many puddles. It appears that this part of the land is to be used as public open space and is within the Flood Zone. There is a hedge along the eastern site boundary with Riverside Cottage. This is abutted by the public house carpark. There is a stream that runs alongside within this boundary.
- 1.4. There is an existing gated agricultural entrance from the public road, the Dunmore Road entrance to the site to the west of Riverside Cottage public house. This premises and a couple of detached houses are located between either side of the site to the southeast. These buildings provide a separation from the southeastern part of the site which has been in crop and is on a lower level than the road. There is no separate vehicular entrance to this area of the site and there are hedgerows along the roadside boundary. There is no footpath along the site frontage of the southeastern end the site, which appears to be more rural and undeveloped. There is a footpath along the opposite side of the Dunmore Road.

- 1.5. The main area of the site to the west, which contains the agricultural entrance is within the 50kph zone, with the more southern element within the 60kph zone. There is a bus stop on the opposite side of the road to the site. There is an entrance/junction to a housing estate on the opposite side of the road. The entrance to the public house and restaurant is to the southeast of the proposed entrance to the subject site. The Dunmore Road is a fast busy route.
- 1.6. The northwestern part of the site adjoins 'Island View'. This is a low-density estate with predominantly single storey houses. This has a narrow cul de sac road adjoining the site to the west. The plan does not show linkages to this estate. There is a pumping station that serves the area in the northern part of 'Island View'.

## 2.0 Proposed Development

Permission is sought for development to consist of:

- (i) Construction of a residential development comprising 74 no. two-storey houses (54no. three bedroom and 20 no. four bedroom) and 3 no. two storey blocks accommodating 16 no. mews dwellings (4no. two bedroom and 12 no. three bedroom), each house is to be served by private amenity space in the form of a rear garden whilst the mews dwelling area to be served by external terraces at first floor level;
- (ii) Construction of childcare facility (342.5sq.m), with associated external amenity space, located centrally within the wider scheme;
- (iii) Provision of 152no. on-curtilage/parking bay vehicular parking spaces to serve the residential units and 21no. vehicular parking spaces to serve the childcare facility;
- (iv) Provision of new vehicular entrance off the Dunmore Road; and
- (v) All ancillary site and infrastructural works, inclusive of foul/surface water drainage, attenuation areas, boundary treatment, landscaping, open space areas including play spaces/playgrounds/bbq area, internal access roads and pedestrian footpaths, necessary to facilitate the proposed development.

The public notices provide that the 74 no. houses are to comprise the following:

- 4no. House Type D (three bedroom)
- 9no. House Type C (three bedroom)
- 41no. House Type B (three bedroom)
- 20no. House Type A (four bedroom)

The 16no. mews dwellings comprise the following:

- 4no. Mews Type 2 (two-bedroom)
- 12no. Mews Type 1 (three-bedroom).

2.1. The application is accompanied by documentation to include the following:

- A Natura Impact Statement. A Stage I Appropriate Assessment Screening Report and a Stage II NIS has been submitted.
- A Planning Report –Residential Development - Hughes Planning & Development Consultants.
- Architectural Description – Healy Partners Architects
- Daylight and Sunlight Assessment – Lawlor Sustainability.
- Engineering Reports and plans – Frank Fox & Associates, Civil & Structural Consulting Engineers
- A Traffic Impact Assessment and Stage 1/2 Road Safety Audit – TPS M Moran & Associates, Traffic and Transportation Consultants
- A Flood Risk Assessment and associated justification Test – JBA Consulting Engineers.
- A Tree Survey Report and Landscape Design Statement
- A Landscape Design Statement Rev C – Austen Associates
- Ecological Impact Assessment (EclA) – Altemar
- Outdoor Lighting Report – TRT/Thorlux Lighting
- Archaeological and Cultural Heritage Impact Assessment - AEGIS Archaeology Ltd.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 8<sup>th</sup> of February 2023, Waterford City and County Council granted permission for the proposed development subject to 28 no. conditions.

It is noted that the order says subject to 29 no. conditions, but the schedule includes 28no. conditions.

In summary these conditions are generally relatively standard relating to design and layout, landscaping, infrastructure (access, roads, footpaths and drainage including surface water drainage), Part V, construction management, security bond and development contributions.

These include relative to the revised plans and particulars submitted as F.I and C.F.I and in summary the following are of note:

Condition no.1(b) – *This permission relates to the provision of 89 number residential units and a creche building.*

Condition no.2 – *A footpath connecting with the existing footpath adjoining the site shall be provided along the Dunmore Road within the 3m set back area shown on the site layout submitted on the 13<sup>th</sup> of January 2023, (for clarity this relates to the area fronting unit numbers 86 - 93) and a pedestrian link running from the Dunmore Road to the site....*

Condition no.4(a) – *All mitigation measures and recommended actions set out in the Natura Impact Statement (NIS), Ecological Impact Assessment (EclA), Invasive Species Management Plan and Construction and Environmental Management Plan (CEMP) submitted shall be carried out in full.*

4(c) *The developer shall consult with Inland Fisheries Ireland regarding in-stream works and the realignment of the watercourse which shall be undertaken in dry weather conditions before any major works on site.*

### 3.2. Planning Authority Reports

Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions, and responses to referrals made. Their Assessment included the following:

- The application site is partially located on New residential Phase Two zoned lands on the Waterford City Development Plan 2013-2019, as varied and extended (It is noted that this plan was current when the application was submitted).
- Reference is made to other permissions granted for housing development in the area, which were permitted on Phase Two lands (reference nos. are given and are included in the Planning History Section).
- They consider that the applicant has demonstrated adequate justification for release of New Residential – Phase Two lands in this instance.
- Taking the site location, zoning and layout into account, they calculate a net density of approx. 31 units per hectare, which they consider to be acceptable.
- They had some concerns regarding the layout and a deficiency in open space.
- They note concerns regarding a deficiency in private amenity space for some of the mews/apartment dwellings.
- They have regard to services and to the reports and plans prepared by Frank Fox & Associates, Civil & Structural Consulting Engineers.
- They note that the application was referred to the Water Services Section, who provided a response indicating that F.I was required.
- They note that issues were raised by the third party submissions in terms of concerns regarding negative impact on the existing watercourses on site, water runoff from the site and impact on water quality.
- They have regard to the diversion of the watercourse and recommend F.I.
- They note that site is partially located within designated Flood Zone A and B, and that submissions have raised concerns about flooding at the application site and noted past flood events in the vicinity.



- They consider the Flood Risk Assessment and justification test submitted. This includes that 10no. residential units are proposed to be located within the flood zones.
- They note details submitted relative to Part V and Phasing.
- They have regard to the location and parking for the proposed creche facility.
- They refer to the Traffic Impact Assessment and Stage 1/2 Road Safety Audit, submitted and note that the Council's Road Section have requested further details/revisions to the development.
- They had regard to third party submissions and noted that the issues raised including by Roads Section will need to be addressed.
- They refer to parking requirements as per Development Plan standards and note that site is located on a bus route and is close to the services at the nearby Ballinakil Centre. They note some parking shortfall and that the applicant will need to address parking issues.
- Bin storage areas to serve the mews/apartments and terraced houses will need to be indicated.
- They refer to Active Travel and to pedestrian linkages and consider this issue will need to be further addressed.
- Boundary issues need to be addressed, including between adjoining properties and the front boundary to the public road.
- They have regard to the Tree Survey and Landscape Design Statement submitted. They note the area designated as Trees of Special Amenity Value in the southern part of the site in the former WCDP 2013-2019, and that this area is not designated in the Draft as proposed Protected Trees.
- They note the comments of the Heritage Officer WCCC, regarding landscaping proposals.
- They note that Japanese Knotweed has been recorded on site and a management plan for control and eradication is requested to be submitted.

- They consider the Archaeological and Cultural Heritage Impact Assessment submitted and refer to the response from the DAU of the DHLGH and to issues raised. They request that an Archaeological Impact Assessment be submitted as F.I.
- They have regard to AA and to the Stage I Screening Report and Stage II NIS submitted and note the comments of the Heritage Officer WCCC, who provided a written response indicating that F.I is required.
- They refer to Foul Water and to Surface Water Drainage. This includes reference to Surface Water and in-combination effects on Saltmarsh habit within the SAC. They consider F.I is required.

#### Further Information request

The Council's detailed F.I request in summary included the following:

- The applicant was requested to submit revised plans which omit residential units located within Flood Zones A and B and for the provision of an appropriate buffer zone between the flood zones and proposed homes.
- A significant portion of the Open Space/New Residential zoned land, located to the east of the site is indicated as 'Future Development' and is included within the red line boundary of the site. The applicant was requested to clarify what is the intention of including this land within the current application site.
- Revised plans to relocate the proposed creche facility so as to be accessed from the main distributor road leading from the Dunmore Road. Also, to indicate the proposed dedicated parking spaces associated with the proposed creche and the proposed external finishes of the creche building.
- The area of open space on these residentially zoned lands falls short of the 15% and the applicant is requested to submit revised proposals for open space provision as an overall percentage of the site area.
- Revised plans to indicate the proposed external finishes for the mews type residential units, to include roof finishes.
- Revised plans to indicate the area of private amenity open space to each residential unit and to have regard to the WCDP standards.

- Revised plans to show proposed boundary treatments throughout the development, with elevational plans included, to include front/roadside boundary treatment.
- That the applicant address the issues raised by the Roads Section. Roads issues - Boundary treatment relative to the front boundary to allow for future cycle lanes, turning areas, carriageway widths and footpaths and circulation areas to comply with DMURS.
- Street lighting details to be submitted.
- Plans indicating the proposed bin storage areas for the mews/apartments and terraced dwellings.
- To submit details of cut and fill and retaining walls in view of the slope particularly on the eastern side of the site.
- To submit details relative to the structure and proposed bbq feature within the open space.
- To submit details showing that the proposal complies with parking standards.
- To submit and agree details with Irish Water with regard to servicing the development with water supply and foul drainage and taking stated infrastructural concerns.
- Details relative to surface water drainage including attenuation and discharge.
- Details to alleviate concerns raised about flooding.
- To clarify the potential for connectivity/permeability between the site of the proposed development and the area of Saltmarsh at Ballinakill within the boundary of the SAC and assess potential for indirect impact in the resubmitted NIS.
- To submit a letter from Inland Fisheries approving diversion of the stream.
- Reference to the Landscape Design Statement and to submit further details on landscaping and removal of hedgerows or trees.
- A management plan to control the spread of Japanese knotweed.

- To submit revised details to address the requirements of the Heritage Officer and to address the requirements of the DAU of the DoEHLG, to include regard to archaeology.
- To have regard to the Draft Waterford City & County Development Plan 2022.

#### Further Information response

Hughes Planning & Development Consultants have submitted a Planning Report providing their F.I. response on behalf of the applicants and this includes the following:

##### *Flooding*

- Sheet 8 of the Architectural Design Statement as prepared by Healy Partners illustrates the currently proposed site plan and confirms that no residential units are contained within Flood Zones A and B and that an appropriate buffer is achieved between residential units and flood zones.

##### *Future Development*

- The applicants provide a response to the F.I request relative to the area of land annotated 'Future Development Area' on the plans submitted. It is the applicant's intent to provide for future residential development on these lands, which are within their landholding.

##### *Creche*

- They provide revised drawings to illustrate the relocation of the creche to a more accessible location to the immediate north of the main distributor road leading from the Dunmore Roads and they confirm a total parking provision to serve the creche of 16 no. spaces.
- External elevations of the creche facility and details of finishes.

##### *Open Space*

- They refer to Sheet 12 of the Architectural Design Statement as prepared by Healy Partners to illustrate the cumulative area of public open space. They provide details of this relative to the residentially zoned lands.

- The revised Site Layout Plan shows 93no. dwellings with the main area of open space located in the northern part of the site i.e. 19.5% cumulative open space.

#### *External Finishes*

- They submit drawings to show the external elevations and finishes of the mews type residential units.
- In addition, drawings which present the elevations and roof finish of the remaining residential units within the scheme.

#### *Amenity Space*

- They refer to the residential units 'Proposed Site Plan Private Amenity Space' as prepared by Healy Partners. A schedule has been prepared and separation distances are illustrated.

#### *Boundary Treatment*

- Revised drawings including a Landscape Masterplan have been submitted. These drawings also indicate boundary treatment proposed.
- They provide that these confirmed boundary treatments are wholly in compliance with the guidance and are illustrated on the drawings.

#### *Roads*

- In response to the Council's F.I on roads they refer to a Letter prepared by Frank Fox & Associates which they submit provides a response to each of the subsections and identifies relevant drawings prepared to address the queries raised.

#### *Lighting*

- They refer to a Drawing 'Street Lighting Layout' as proposed by Lawlor Consulting and provide details of the type of lighting proposed.

#### *Bins*

- They refer to the 'Proposed Site Plan' drawing as prepared by Healy Partners to address the bin storage issues.

### *Levels*

- They include a Drawing by Frank Fox & Associates to confirm the extent of cut and fill works required to facilitate the development and sectional drawings of the proposed works.

### *Proposed Barbecue*

- The proposed bbq feature will be omitted with the area becoming a non-accessible rewilded natural habitat.

### *Car Parking*

- The 'Proposed Site Plan' as prepared by Healy Partners provides details of carparking and vehicular parking for the mews blocks.

### *Water*

- In response to the Council's F.I on water they refer to a Letter prepared by Frank Fox & Associates which provides a direct response to each of the subsections and identifies relevant drawings prepared to address each query raised.
- They also include reports prepared by Altemar Ltd and JBA Consulting which address concerns regarding environmental impact and flooding.

### *Natura Impact Statement*

- In response to the items raised in the Council's F.I request they refer to the reports prepared by Altemar Ltd.

### *Fisheries Habitat*

- They refer to a letter prepared and provide details relative to issues raised by the Council from their liaison with the Fisheries Environmental Officer.
- They submit that the works to the stream will present no undue impact on local fish habitat and are appropriate.

### *Landscaping*

- They refer to the 'Landscape Masterplan' by Austen Associates and to the Tree Survey Report prepared by Independent Tree Surveys submitted.

- They include an 'Invasive Species Management Plan as prepared by Flynn Furney Environmental Consultants.

#### *Archaeology*

- They have included an Archaeological Test Trenching Report prepared by AEGIS Archaeology Ltd.
- They note that no further mitigation measures are suggested.

#### *Conclusion*

They conclude that the various issues raised in the Council's F.I request have been comprehensively addressed in their submission and that the proposed development is in line with the various quantitative and qualitative objectives of the newly adopted Waterford City and County Development Plan.

#### Planner's Response

The Planner had regard to the F.I submission and their response included comments on each of the issues raised. They were generally satisfied with the responses/revisions made and Reports submitted in the F.I submitted. They noted the concerns raised in the additional submissions made. That the Waterford City & County Development Plan 2022-2028 has been adopted and they had regard to zoning and phasing issues. They sought clarification of F.I to include the following:

- The developer was asked to clarify archaeological issues raised by the submission of an updated Archaeological Report to address the issues raised in the F.I request.
- The developer was asked to clarify the location of residential units nos. 60, 61, 62 and 63 and to indicate that no proposed residential units are located within the designated flood zones and to include an appropriate buffer between the proposed residential units and the designated flood zones.

#### Clarification of F.I Response

Hughes Planning & Development Consultants have submitted a response on behalf of the applicants to include the following:

- They include a copy of the Archaeological Test Trenching Report prepared by AEGIS Archaeology Ltd. They note that because of all the studies carried out

to date, that no further archaeological mitigation measures are suggested by the archaeological consultant.

- They consider that the mitigation measures proposed within the Flood Risk Assessment submitted at F.I stage, would accommodate House nos. 60-63 and would be sufficient to prevent flooding of these units without resulting in any associated increase in flood risk to the surrounding area. Notwithstanding this, they refer to the revised FRA and revised drawings submitted. These documents both illustrate the omission of the previously proposed House Nos. 60-63, as guided by the P.A due to their location within Flood Zone B.

They submit that the various issues raised by the Council have been addressed comprehensively in the F.I and C.F.I responses. That the proposed development is in line with the objectives of the Waterford City & County Development Plan 2022-2028. They ask the Council to have due regard to the challenges faced by the design team on foot of the newly adopted Plan and the substantial redesign measures necessitated on the plans and provisions of this document.

#### Planner's response to Clarification of Further Information request

The Planner had regard to the C.F.I submitted and their response included the following:

- The updated Archaeological Report was referred to the DAU section of the Department of Housing, Local Government and Heritage and their response (17<sup>th</sup> January 2023) concurs with the findings of the report that the proposed development will have no direct effect on archaeological heritage. No mitigation measures are recommended, however the DAU advised that the developer should be aware that any archaeology encountered must be reported to the Department. It is noted that the Planner was satisfied that these issues has been resolved satisfactorily.
- They note the omission of unit nos. 60-63 in view of their location relative to the flood zone. That the proposal as shown on the C.F.I Site Layout Plan therefore consists of a total of 89no. residential units only. The area in question is now shown as a small area of open space, which is overlooked by houses to the south. The Planner's Report provides that they are satisfied that the developer has addressed the issues raised.



The Planner's Report concluded that having regard to the nature of the development proposed, the zoning provisions governing the area, and the type of development in the vicinity of the site, that they consider that subject to conditions that the proposed development would be in accordance with the proper planning and sustainable development of the area. They recommended permission be granted subject to conditions.

### 3.3. Other Technical Reports

#### Roads and Transportation

Their comments include the following:

- These concern boundary treatment, access and roads i.e: hammer head turning areas, width of carriageway, and gradients of roads, footpaths to show compliance with DMURS, including in the Eastern portion of the site.
- Traffic Impact Assessment required.
- They also have regard to Taking in Charge and onsite landscaping in relation to roads and footpaths.

#### Water Services

They requested the submission of F.I to include the following:

- That the developer submit a 'Letter of Feasibility' from Irish Water in regard to the servicing of this development with water supply and foul drainage and also taking engineering measures, into account.
- Foul sewer calculations within the drainage network design for the discharge from Residential Zoned lands to the South of the Dunmore Road.
- To submit a comprehensive 'Environmental Impact Report' on the existing watercourses/stream to which the development intends to discharge.
- To submit calculations and design for all pipe culverting for diverting of existing watercourses within the development.
- In view of concerns regarding flooding issues downstream to restrict discharge as agreed with Water Services Dept, following a redesign of the submitted stormwater drainage design.

- To submit a justification for the omission of an attenuation wetland system to the Supervising Engineer (Drainage) and to agree and redesign prior to resubmission.

Subsequent to the submission of F.I they provided that they have no objections subject to recommended conditions. These include relative to surface water drainage and the installation of the stormwater system.

#### Environmental Services

- Part of the proposed development is located within the area identified in the Waterford City and County Council Noise Action Plan 2019-2023 as having an elevated noise level from road traffic noise. They requested an assessment of noise relative to the construction of the proposed development and to provide details of any mitigation measures proposed.
- They request the submission of a Construction and Demolition Resource Waste Management Plan (RMWP).
- Details of secure bin storage areas and segregation of waste to be provided.

#### Heritage Officer

They have concerns that there may be potential for connectivity/permeability between the development site and the SAC that may lead to recreational pressure and tramping/erosion impacts on sensitive habitats such as saltmarsh at Ballinakill. In an Oral Hearing for 16/833 the potential for indirect effects from increased walkers accessing the area around Ballinakill Saltmarsh was raised.

They request that F.I be submitted on the following:

- Diversion of watercourse
- Invasive species
- Landscaping

Their response to the F.I has regard to foul and surface water drainage. They concluded in summary that following an evaluation and analysis there is adequate capacity in the Waste Water Treatment Plan to treat foul water. They noted the proposed incorporation of detention pond to detain surface water, the containment of the development by a boundary wall and with full implementation of the mitigation

measures set out in the NIS, EclA and CEMP they are satisfied that the proposed development will not give rise to adverse impacts (permanent and irreversible) on the integrity of the Lower River Suir SAC.

### 3.4. **Prescribed Bodies**

#### Department of Housing, Local Government and Heritage

The DAU has regard to Archaeology. They requested that an Archaeological Impact Assessment be submitted as F.I and to include the following:

- That a suitably qualified archaeologist to carry out documentary and fieldwork be engaged to carry out documentary research and to inspect the site. That test trenches be excavated at locations specified by the archaeologist. That a written report including an Archaeological Impact Assessment be submitted for assessment by the Planning Authority and the National Monuments Service.

#### Inland Fisheries Ireland

In response to the F.I request, a letter has been included from them to say that they have no objection in principle to the development as proposed following discussions on the re-routing of watercourse back to its original pathway so long as all SOP's are followed so as no obstacles are installed to prevent movement of aquatic life up and downstream of the proposed site.

#### Transport Infrastructure Ireland

TII have responded that they have no observations to make.

### 3.5. **Third Party Observations**

Submissions received from local residents including a Petition from the residents in the residential development to the west, 'Island View' include the following concerns:

- Suir Bay Flood Risk Assessment – they are concerned about flooding and contend that the predictive flood model is incorrect and not in accordance with lived experience. That the flood map is flawed.

- Occupiers are unable to get flood insurance from all insurers. They refer to the location and to Flood Risk Management.
- They note that the site is well within the 500m threshold of the river itself that has previously flooded.
- The stream that traverses the site is another body of water adding to flood risk.
- They do not see the need for pedestrian access to Island View estate and are concerned about anti-social behaviour.
- To avoid flooding there should be a buffer zone between the proposed development site and the existing residential in Island View estate.
- Concern about boundary treatment and that the arboretum survey is incorrect. They request that the mature boundary of trees with Island View be kept intact.
- Site access and access to adjoining residentially zoned lands.
- Traffic associated with the proposed development will significantly add to traffic congestion along the Dunmore and Williamstown Roads at peak times, including relative to traffic to local schools.
- Traffic associated with the creche and insufficient parking for this use.
- Existing schools in the area are at capacity and this proposal will add to pressures on a limited number of available spaces.
- Deficiencies in the Island View Pump Station to accommodate the foul sewage load from the proposed development. Concern that it will result in additional overflows to the River Suir SAC due to additional loads and undersized pumps.
- Concerns that the environmental assessments for this development have not adequately considered combination effects of the discharge of untreated sewage into the River Suir SAC.
- They suggest that planning for residential homes in this area is not granted until rezoning has been decided upon by the Council when finalising the DP.

- Consideration to be given to future proof capacity and servicing requirements for future development in the area.
- Any negative implications from adjoining developments should be considered and mitigated to ensure that the development potential of adjoining zoned lands is not harmed by the current proposal.

It is noted that a Submission was also received from MDP + Partners on behalf of the adjoining landowners, to ensure future access to their zoned lands. As they are the subsequent third party appellants their concerns are considered in the context of the third party appeal in the Assessment below.

#### 4.0 Planning History

The Planner's Report notes that there is no recent specific site history. The following decisions are referred to in the course of this application relative to sites in the vicinity:

*Undeveloped Lands to the north of the site:*

- VY93.316410 – WFD-C15-14 – The Bord decided to confirm the determination of the local authority in part and set aside the determination of the local authority and allow the appeal in part as follows: *That the portion of the lands located within Flood Zone A shall be excluded from the map and the remainder of the lands shall be included on the map.*

*Lands on opposite side of the road further south of the site:*

- ABP-304423-19 – Permission granted subject to conditions for Strategic Housing Development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016, to consist of 361 no. residential units (207 no. houses and 154 no. apartments) at Knockboy, Waterford. The proposed development to include works to accommodate connections to an existing public water mains and surface water drainage infrastructure that will ultimately connect to an existing public drainage network on Dunmore Road (R683). An EIAR and an NIS were submitted with this application.

- Reg.Ref. 21/833 – Permission granted subject to conditions by the Council, to Glenveigh Homes Ltd for Phase 1 of a residential development consisting of the construction of 99no. residential units, 1no. childcare facility, 2no. ESB substations, access, roads, services and all ancillary development works. An NIS was submitted with this application.
- Reg.Ref.21/976 – Permission refused to Glenveigh Homes Ltd. for Phase 2 of a residential development consisting of 99no. residential units and all ancillary development works. An NIS was included with this application.
- PI93-248547 – (Reg.Ref.16/833) – Permission granted by the planning authority and subsequently refused on appeal to the Board for the construction of 285 residential units, public open space, car parking and associated site works. As noted on file an Oral Hearing was held on this case.

Copies of these decisions are included in the Planning History Section of this Report.

## 5.0 Relevant Policy Context

### 5.1. National Policy

#### **Project Ireland 2040 – The National Planning Framework (NPF)**

This is the Government’s high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities (this includes Waterford) within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.

- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site based regeneration and increased building heights.

## 5.2. Section 28 Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines')
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

#### Housing for All - a New Housing Plan for Ireland (September 2021)

This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes for all types for people with different housing needs. The 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 in the right place
- Offering a high quality of life.

#### The Climate Action Plan 2023

This implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

### **5.3. Regional Spatial and Economic Strategy for the Southern Region**

Section 2.2 of the RSES identifies that Waterford is the principle urban centre in the south-east, is an important national and regional growth driver and requires significant investment and growth. The subject site falls within the Metropolitan Area for Waterford and Regional Policy Objective 10(a) states that the RSES seeks to 'Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.'



The Waterford Metropolitan Area Strategic Plan (MASP) contained within the RSES outlines policy objectives for the development of the area, based on the ambition for the City and Metropolitan area as an innovation-centred, enterprising, University City with a diverse population, a vibrant cultural sector and a thriving economy.

#### 5.4. Waterford City and County Development Plan 2022-2028

##### Volume 1 – Written Statement

##### Spatial Vision and Core Strategy – Chapter 2

Section 2.11.2 – Tiered Approach to Zoning. The approach taken considers the provisions of NPO 72(a), (b) & (c) of the NPF for Waterford City and County.

Particular attention is had to infrastructural services available, thereby adopting a Tier 1 and Tier 2 approach to the release of land for residential development during the life of the plan. Regard is had to the sequential approach to development. This includes that generally save for the phase 2 lands identified in the maps, all other R1 zoned lands can be taken as being phase 1.

Table 2.3 provides ‘Residential Phasing’. Figure 2.12 shows the Phase 1 and 2 lands in Waterford City. It is of note that the majority of the proposed site (western part) is shown zoned Phase 1 and the eastern part and adjoining lands are shown zoned Phase 2.

As shown on the Waterford City Core Strategy Map, the site is located in the Waterford Metropolitan Area.

##### Transport and Mobility – Chapter 5

Strategic Objectives include: *To make efficient use of transport networks and ensure that all new developments contribute towards reducing the need to travel long distances and encourage people to walk, cycle or use public transport.*

Section 5.1 refers to the Integration of Land Use Planning and Transport. Objective Trans 01 refers.

Section 5.2 refers to Waterford Metropolitan Area Transport Strategy (WMATS), Waterford Planning and Land Use Transportation (PLUTS) Study and Local Transport Plans (LTPs).

## Utilities infrastructure, Energy & Communication – Chapter 6

Regard is had Water Supply and Quality and to Water Services. Policy Objectives UTL 02 (water services) and UTL 03 (water supply and drinking water regulations) apply.

*UTL 02: To collaborate support and work, in conjunction with Irish Water, to ensure the timely delivery and provision, extension and upgrading of existing and new high quality, climate resilient, water services infrastructure, in order to facilitate the sustainable growth and development of our City and County, in accordance with an ecosystem services and integrated catchment management approach, and the Development Plan Core and Settlement strategies.*

Table 6.1 'Water and Wastewater Capacity Assessment'. Reference is had to Waterford City & Suburbs. This includes that 'currently it is envisaged that capacity is available to cater for proposed population targets in CDP'.

Section 6.3 refers to Storm and Surface Water Management.

Policy Objectives UTL 08 and UTL 09 refer to the Protection of Water Resources and to the implementation of SuDS.

Policy Objective UTL 10 refers to Flooding/SRFA. This 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.*

## Housing and Sustainable Communities – Chapter 7

General Housing Policies H01-H04 relate to the facilitating the promotion of sustainable and liveable compact urban growth.

Section 7.6 refers to Housing Type & Tenure Mix. Policy H17 seeks to encourage the establishment of attractive, inclusive and sustainable residential communities in existing built-up areas and in new emerging areas.

Section 7.14 refers to Sustainable Communities.

## Climate Action, Biodiversity & Environment – Chapter 9

Section 9.2 refers to Flood Management

Section 9.3 to Water Quality

Section 9.6 to Biodiversity

Policy Objective BD 01 includes: *We will protect and conserve all sites designated or proposed for designation as sites of nature conservation value (Natura 2000 Network, Ramsar Sites, NHAs, pNHAs, Sites of Local Biodiversity Interest, Geological Heritage Sites, TPOs) and protect ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks and wetlands.*

Section 9.7 refers to Nature Conservation Sites. Figure 9.2 shows SACs and SPAs in Waterford.

Section 9.8 refers to Appropriate Assessment – Policy Objectives BD 04 – BD 06 relate to Protection of European Sites.

### **Volume 2 – Development Management Standards**

Section 3 relates to Residential Development. This supports sustainable compact residential development. Also, good design and placemaking.

Policy Objective DM 03 provides for Design Statements.

DM 04 includes: *The Design Statement shall also take guidance from the ‘Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DoEHLG 2009)’, and consider the overall impact of the proposed development under the following categories/headings. A list of such are given...*

Section 3.2 has regard to Residential Density and seeks to promote compact growth on serviced lands. Policy Objective DM 05 refers. DM 06 refers to Housing Mix.

Table 3.1 provides ‘General Standards for New Residential Development in Urban Areas’. Table 3.2 ‘Minimum Private Open Space Requirements for Dwelling Units.

Section 3.4.3 refers to the Apartment Standards.

Section 7 provides the Car Parking Standards. Table 7.1 refers.

Section 7.4 provides the Cycle Parking Standards. Table 7.3 refers.

Section 8 refers to Roads Access Policy. Section 8.4 to Regional Roads. Policy Objective DM 46 refers.

Section 8.5 to Road Safety Audit & Traffic Impact Assessment. Section 8.8 and Policy Objective DM 47 to compliance with DMURS. Section 8.9 to Hedgerow Protection.

Section 11 refers to Land Use Zoning. Table 11.1 provides the Land use Zoning Objectives.

#### Volume 4 - Land Use Zoning

Map 2 provides the Zoning and Flood Mapping.

The majority of the site is located in an area zoned 'R1 – New Residential - *Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.*

The northern part of the site is located within an area of 'Strategic Open Space'. The area to the north is zoned 'HA' – High Amenity – *Protected highly sensitive and scenic location from inappropriate development that would adversely affect the environmental quality of the locations.*

#### Specific Objectives – Combined Map

Specific Objectives WCD029- Knockboy: *To ensure any developments on this site provides for a Green Infrastructure (GI) link which connects the area of open space to the west of Knockboy Road L5529 with the amenity zoned lands to the north of the River Cottage.*

Objective WCDO31 refer to the area to the east of the site (outside the site boundaries), (Phase 2)

#### Volume 3 Appendix 17: Tiered Approach to Zoning.

Appendix 17 quantifies the infrastructural deficit where relevant relating to all land zoned for new development, both phase/tier 1 and 2.

*This Appendix sets out a Tiered Approach to Zoning for Waterford City and County in accordance with NPF Requirements. The Tiered Approach identifies lands that are serviced (Tier 1) and lands that are serviceable within the lifetime of the Plan (Tier*

2). *Where lands do not fall within Tier 1 or Tier 2, they may not be zoned for development.*

Figure 1: Waterford City Site Assessment - This shows that the majority of the site is within Residential Lands Phase 1 (land parcel no.23 – Knockboy North area 2.26ha), with the eastern portion of the site within Residential Lands Phase 2 (land portion no.1 (total area 11.01ha - part of site taken off this)). Table 3 provides the Planning Assessment Criteria. Table 4A refers – Site Specific Infrastructure Assessment - Phase 1 and Table 4B – Site Specific Infrastructure Assessment – Phase 2.

Section 4.2 – Waterford City Land Use Framework: *Having regard to the NPF methodology for land zoning, the population targets, infrastructure capacity and the comprehensive review of the lands, the above sites are considered to meet land zoning requirements and will support the sustainable growth of Waterford City during the life time of the plan.*

#### Appendix 13 – Strategic Flood Risk Assessment

The Study Background provides: *This report details the SFRA for the county and has been prepared in accordance with the requirements of the DoEHLG and OPW Planning Guidelines, The Planning System and Flood Risk Management; these guidelines were issued under the Planning and Development Act 2000, as amended, and recognise the significance of proper planning to manage flood risk. The SFRA has been reviewed and updated to have regard to the proposed Material Alterations to the County Development Plan.*

Section 7.2 notes that areas in Waterford City and environs are within Flood Zones A and B and that a justification test for potential development sites, as per the Guidelines is required.

#### **5.5. Natural Heritage Designations**

The Lower River Suir SAC, is located approx. 300m to the north of the site. The applicant has submitted an NIS including a Stage 1 AA Screening Report and Stage 2 NIS as part of the supporting documentation.

## 5.6. EIA Screening

An Environmental Impact Assessment Screening report was not submitted with the application.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The subject development is for the construction of 74 houses, 16 mews dwellings and a creche, together with associated works, on a site with a stated area of 5.47ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable.

I have given consideration to the requirement for sub-threshold EIA. The site is located on residentially zoned lands and is within an urban area, which is characterised by a mix of uses, primarily residential, and it is also serviced. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Waterford City and County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

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

Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

MDP + Partners have submitted a Third Party Appeal on behalf of Stephen and Michele Beaty, who are the owners of residentially zoned land adjoining the proposed development site. They include a map with their appeal showing this area. While they welcome the application on the adjoining lands, they have concerns that any potential negative implications from adjoining developments would be considered and mitigated to ensure the development potential of their zoned land. Their comments are noted in summary under the following headings:

#### Site Access

- They had hoped that the local authority would consider future site access requirements to their client’s land from adjoining developments to mitigate the

impact of multiple additional points of access along the already busy Dunmore Road. Also, to ensure that their client's lands, zoned for housing, are not landlocked, or precluded from development as a result of a third party private development.

#### Irish Water

- They note that the applicants have undertaken preliminary design works and contact with Irish Water relating to the servicing of the site for both foul water and water supply. They would ask that consideration be given to future proof capacity requirements for future development in the area, including their client's property.

#### Surface Water

- They note that there are substantial works proposed to deal with existing and future surface water requirements within the overall applicant's site. An existing water course adjoining their client's property is proposed to be modified as part of this. They request that consideration be given to the future implications of their client's site which is above the level of this adjoining water course and might be affected by proposed changes.

#### Site Services

- The local authority was asked that consideration be given to further site servicing requirements (electrical).

#### Conclusion

They provide that these observations were made to ensure that any potential negative implications from adjoining developments would be considered and mitigated to ensure that the development potential of their client's zoned land is not harmed.

Having reviewed the conditions attached to the Council's decision, they note that while in general, the design of the approved works does show consideration of the points they have made and would facilitate both the access to and servicing of their client's site once roads and public services are taken in charge by the Council, the facility for this is not specifically conditioned. This is to ensure that future serving potential of their lands will not be mitigated by design alterations or limitations of the



proposed works on the adjoining lands the subject of the current application. They include a landholding map and some drawings. They request the Board to review the conditions attached to the planning permission with a view to amending same to address the above.

## 6.2. Applicant Response to Third Party Appeal

Hughes Planning & Development Consultants response to the issues raised in the Third Party Appeal include the following:

### Scope of the Appeal

- The letter submitted by the Third Party presents no grounds of appeal and raises no actual issues with the extent of development approved upon the site.
- The letter is wholly based on a request for the Board to apply conditions to the grant of planning permission which specifically facilitate the access and servicing of Stephen and Michele Beaty's lands from the approved development, a request which the applicants consider undeliverable by way of condition.
- They consider it highly unlikely that the Board would intrude into a civil landownership/property rights matter if it were to determine the application on foot of the Third Party appeal.
- A condition of the type desired by the appellants is not within the scope of Section 34(4) of the Planning and Development Act 2000 (as amended) which sets out the type of conditions which maybe applied by the Planning Authority or the Board under Section 34(1) of the Act.
- They consider that the matter in which the appellants have set out their position to be wholly contrary to Section 138 (1)(a)(ii) of the Planning and Development Act 2000 (as amended). That their appeal is made with the sole intension of delaying etc. the proposed development.
- They understand that it is not a common practice for either a Planning Authority or An Bord Pleanála to consider landownership and civil matters in planning decisions.

- Landownership issues are legal issues and not planning considerations i.e. *Any decision on the planning application does not purport to determine the legal interests held by applicants or indeed any other interested party.*
- They submit that it would therefore appear that the submitted appeal is a futile exercise in achieving an appeal following its initial validation process. That there is ample reasoning to invalidate the subject appeal based on the foregoing review and they request the Board Inspector to duly consider this.
- They consider the appeal to be vexatious. They also refer to a letter from the appellants issued directly to their client, the applicant (Appendix B refers). This includes in summary, that it is the appellants intension that the appeal be rescinded immediately if agreement can be reached with the applicants directly that might satisfy their concerns as outlined.
- Given that the only concerns of the appellants as relating to the subject development amounts to extracting beneficial terms for the development of their own site, they consider that the submitted appeal is vexatious and should be retrospectively invalidated.

#### Level of Detail

- They consider it is appropriate to demonstrate the level of detail applied by the project design team over the course of the application.
- They reiterate that the delivery of a well-designed residential scheme is being delayed due to the non-planning related concerns of a third party.
- They submit that a significant extent of pre-planning consultation has taken place with the relevant sections of the Council, prior to the submission of this application.
- That a significant level of details was provided with the application pack comprising input in relation to the following elements of the application:
  - Architecture
  - Engineering (Drainage & Access)
  - Landscape Architecture
  - Arboriculture

- Ecology
  - Flooding
  - Lighting
  - Energy
  - Archaeology
  - Computer Generated Imagery
  - Daylight/Shadow
  - Part V
- The residential units were designed to ensure compliance with the various relevant standards including floor area, private amenity space provision and vehicular parking space provision, whilst the layout of the site ensured a high standard of residential amenity through the appropriate separation of units and the provision of a significant quantum of open space.
  - The scheme provided for extensive variety in terms of residential unit typology, 4no. house types and 2no. mews types, thus providing a diverse range of accommodation for different family sizes.
  - The provision of a creche facility with external play area and an appropriate quantum of vehicular parking would further improve the residential amenity of future residents.
  - They submit that the proposal is wholly compliant with the provisions of the applicable zoning objectives on site, as per both the Waterford City Development Plan 2013-2019 and the Waterford City and County Development Plan 2022-2028, during the redesign process with the area of land zoned for residential development on site reduced as a result.
  - They ask the Board to have due regard to the challenges faced by the design team on foot of accommodating the provisions of the newly adopted Waterford City and County Development Plan and the substantial redesign measures which were facilitated by the design team on foot of the request for further information and the provisions of the new development plan.

- They note that on foot of the Council's C.F.I request relative to flood risk, that the necessary revision was made to the subject proposal with a resultant reduction in the number of residential units to be provided on site. They note that a decision to grant was subsequently made by the Council.

### Conclusion

- They conclude that the issues raised by the appellant have been comprehensively addressed in their response submission. They ask the Board to have regard to this submission and to grant planning permission for the development.

Appendices include the following:

Appendix A: - Copy of Letter from An Bord Pleanála inviting the applicant to respond to the third party appeal submitted under ABP-315967-23.

Appendix B:- Copy of Letter from MDP + Partners notifying of intent to submit appeal.

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

The Planning Authority in summary notes that the substantive issues raised in the third-party appeal were also raised in submissions made during both the initial five week submission period and the additional two week submission period following the submission of further information by the developer.

They submit that the issues raised in the third-party appeal were assessed in detail as part of their assessment of the third party submissions made during the application. That the planner's report addresses the issues of access and servicing in detail within the report.

They consider that the development that was granted permission by the Planning Authority was so granted following a detailed and robust assessment. They remain favourably disposed to the proposed development and strongly urge the Board to uphold its decision to grant permission for the proposed residential development.

#### **6.4. Observations**

None noted on file.

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

None noted on file.

### **7.0 Assessment**

#### **7.1. Introduction and Context**

- 7.1.1. I have read through the file documentation and the relevant provisions of both the Waterford City Development Plan 2013-2019 (as extended), which was in force when the subject application was lodged and the new Waterford City and County Development Plan 2022-2028, which came into effect on 19th July 2022 and was in force when the application was decided on the 8<sup>th</sup> of February 2023 and is now the pertinent plan. I have also carried out a site inspection.
- 7.1.2. I consider that the main issues are those raised in the grounds of appeal. Overall, I am satisfied that no other substantive issues arise. The proposed residential development on residentially zoned lands is acceptable in principle with regard to national and local planning policy on compact urban development and the appellant does not object in principle to residential development at this location. I note that there are no Observations from third parties made to this appeal. I also note the First Party response to the grounds of appeal and that the Board has accepted this as a valid appeal.
- 7.1.3. The planning authority during their assessment of the application requested further information and clarification of further information and additional/revised documents and plans have been submitted. The submitted Architectural Description and Housing Quality Assessment is noted and neither the planning authority nor the appellant raise any significant concerns in relation to the quality of residential accommodation at individual units. The applicant has also submitted Part V proposals to the satisfaction of the planning authority.

- 7.1.4. The Planning Authority have stated satisfaction regarding the proposed design and layout, including residential density and housing mix, location of the creche, distribution of open space and vehicular access and servicing for the development site and that regard has also been had to ecology and archaeology. I see no reason to revisit those issues here and note that they are not raised in the grounds of appeal. They are satisfied with the revisions made and regard is had to the alterations made to the Site Layout Plan, which include regard to the Flood Risk issue (noting omission of unit nos.60 to 63), as submitted at the Clarification of Further Information stage, resulting in 89no. units. Condition no. 1(b) of the Council's permission relates.
- 7.1.5. It is noted that similar issues were raised by the Third Party in their submissions to the Council at planning application stage and the Planning Authority's response to the appeal notes that the issues of access and servicing have been assessed in detail in their reports. Having regard to the above, I would therefore consider that this assessment should be limited to the matters raised in the grounds of appeal and should not be considered de novo by the Board.
- 7.1.6. The relevant issues as raised by the appellant are specific to the future access and servicing of their lands adjoining the application site not being compromised by the proposed development and can be dealt with under the following headings:
- Site Access to adjoining Third Party Lands
  - Servicing - Capacity (Irish Water) adjoining Third Party Lands.
  - Surface Water Drainage proposals relative to adjoining Third Party Lands.
  - Future Site servicing (e.g. electrical) relative to adjoining Third Party Lands.
- 7.1.7. Other issues also discussed in this Assessment below, are relative to the impact of the proposed development relative to Flood Risk and AA - Natura 2000 sites and include the following:
- Flood Risk Assessment
  - Appropriate Assessment

Regard is had to these issues in this Assessment below.

## 7.2. Site Access to Third Party Lands

- 7.2.1. The Third Party submits that they had hoped the local authority would consider future site access requirements to their lands from adjoining developments to mitigate the impact of multiple additional point of access along the already busy Dunmore Road and to ensure that their lands, which are zoned for housing, are not landlocked or precluded from development as a result of a third-party private development.
- 7.2.2. Details submitted with the application show the other lands owned by the landowner in blue as 25.006ha. The subject site is shown in red on the Site Location Map as 5.47ha. and the land zoned residential as 4.15ha. The Proposed Site Plan submitted with the C.F.I shows a 'future development area' and a 'passive amenity space 3' to the east of the subject site within the site and the applicant's landholding shown blue. It is submitted that each of these areas is within the applicant's landholding, and not within third-party lands.
- 7.2.3. The Planner's Report noted that the third-party submissions have raised issues in terms of impact on vehicular traffic and pedestrian movements in the area. The future servicing of adjoining zoned land has also been raised. The applicants provide a response to the Council's F.I request relative to the area of land annotated 'Future Development Area' on the plans submitted noting that it is their intention to provide for future residential development on these lands within their landholding. These lands are separate to the third-party lands and their development is not part of the current application.
- 7.2.4. As shown on the Site Plan submitted by the appellant with their grounds of appeal, the third party lands (outlined in blue) are located to the south east of the subject site and the cul-de-sac access road proposed to serve that part of the site. They also have road frontage to the Dunmore Road to the south, therefore their lands could not be described as landlocked. While the Site Layout Plan does not indicate 'future' access from the cul-de-sac estate road in the subject application site to serve the adjoining lands, this road is nevertheless proximate to the southeastern boundary of the site and so the layout shown would not rule out the possibility of access to the lands to the southeast in the future.

7.2.5. I would note that as shown on the Site Layout Plan provision is made for 'future cycle access lane 3m' along the frontage of the subject site and it appears that this could be extended along the road frontage of the adjoining third party lands. Condition no.2 of the Council's permission provides for a footpath to continue along the site frontage with the Dunmore Road (for clarity this relates to the area fronting unit numbers 86-93). This is along the southeastern part of the site adjacent to the third-party lands. It also provides for pedestrian linkages running from the Dunmore Road to the site. Therefore, it appears that these footpath and cycle links could be extended to facilitate future residential developments.

7.2.6. It is noted that there is to be one centrally located vehicular access to and from the Dunmore Road in the western part of the site to serve the overall development site. A Traffic Impact Assessment and Stage 1/2 Road Safety Audit have been submitted with the application. The Site Layout submitted at C.F.I stage has been considered acceptable by the Council. If the third-party lands to the southeast were to be developed for residential in the future, it maybe, that it would be necessary to create another vehicular entrance to serve these additional lands from the Dunmore Road. However, this is not the subject of nor for consideration in the current application, which relates to the subject site. Rather, any future development of these adjoining lands would be the subject of a separate planning application. In addition, it is noted that there is not a Masterplan for the area, which may be advisable relative to co-ordinated planning for future development on first- and third-party lands.

### 7.3. **Servicing and Drainage issues**

#### *Irish Water*

7.3.1. The Third-Party notes that the applicants have undertaken preliminary design works and contact with Irish Water relating to the servicing of the site for both foul water and water supply. They ask that consideration be given to future proof capacity requirement for future development in the area, including their property.

7.3.2. Regard is had to the Waterford City and County Development Plan 2022-2028. Chapter 6 of Volume 1 refers to Utilities Infrastructure. Table 6.1 'Water and Wastewater Capacity Assessment' and reference is had to Waterford City & Suburbs. This states that 'currently it is envisaged that capacity is available to cater



for proposed population targets in CDP'. I note the WCCDP 2022-2028 objective UTL 02 refers to collaboration with Irish Water *to ensure the timely delivery and provision of, extension of existing high quality, climate resilient, water services infrastructure, in order to facilitate the sustainable growth and development of Waterford City and County*. Therefore, it is a strategic objective that such be in place.

- 7.3.3. Details are given in the Engineering Reports and regard is had to the Engineering Drawings submitted, which relate to the subject site. As submitted the proposed development will have separate foul and surface water drainage networks, which will discharge off site to separate existing foul and surface water systems. Details are also given of surface water attenuation and SuDS.
- 7.3.4. In response to the Council's F.I request (item 14 -Water) the applicant submitted a Letter prepared by Frank Fox and Associates Consulting Engineers to provide a direct response to each of the issues raised and revised drawings. This includes a Letter of confirmation of feasibility to connect to Irish Water infrastructure relative to water and wastewater connections, without infrastructure upgrade by Irish Water.
- 7.3.5. The Planning Authority noted the revisions to plans submitted at F.I stage and did not have concerns about drainage relative to the subject site and regard is had to Condition no.7 of the Council's permission. I note the development plan objective UTL 02 (Water Services) is in place, and I would not consider that it would be appropriate to condition that the proposed development on the subject site also future proof capacity requirements for adjoining lands, not in the ownership of the applicant.

#### *Surface Water*

- 7.3.6. The Third Party notes that substantial works are proposed to deal with existing and future surface water requirements within the overall applicant's site. That an existing water course adjoining their appellants property is proposed to be modified as part of this. They request that consideration be given to the future implications of their clients site which is above the level of this adjoining water course and might be affected by the proposed changes.
- 7.3.7. Regard is had to Section 3.2 of the AA Screening Report, which refers to the Diversion of the watercourse (Halfway House Stream). It is proposed to divert the watercourse to its historic route (Figure 12). This is discussed further in the context

of the AA Section below. Note is had of the Overall Drainage Layout Plan and to Drain Plan Sheets 1 & 2 as submitted at F.I stage. These show the locations of the 'existing' and 'new' watercourses. This indicates that the existing watercourse that runs through the southeastern part of the site (not shown within the third party lands), is to be locally redirected. The Proposed Site Plan shows 'section of existing water channel to be diverted shown in light blue'. This is shown outside and to the north of the Third Party lands.

- 7.3.8. Reference is also had to the Outline Construction & Environmental Management Plan submitted which notes that it is proposed to locally redirect localised watercourse as indicated on the drawings. That in doing so the diversion works will be undertaken before the diversion is completed to mitigate interference i.e silting of the existing downstream water course. They provide that silt fencing will be put in place at the interaction with any watercourse of the proposed development site. That this will act as a temporary sediment control device to protect from sediment and potential site water runoff. Figure 2.4 shows (relevant to the original layout) a 'Proposed Watercourse Diversion Phasing Plan'. Condition no.17 of the Council's permission relates to the provision and implementation of a Construction Management Plan.
- 7.3.9. The Council's F.I request includes, Item 14(e) where the applicant was requested to submit calculations and design for all pipe culverting for diverting of existing watercourses within the development to be agreed with the Council's Drainage Section. In response the applicants refer to the enclosed Letter prepared by Frank Fox & Associates which provides that they have engaged and consulted with the Council's Drainage Section (Metro Area) with regard to the design for all pipe culverting for diverting of the existing watercourses within the development (see FFA drawing DP - 01 & 02).
- 7.3.10. In response to Item no 15 (a) of the Council's F.I request, the consulting engineers provide that they have engaged and agreed with the Water Services Department of the Council in order to alleviate any concerns regarding the storm water discharge from the development and that in light of flood risk issues downstream, the overall lands for development and agreed a SuDS Detention Basin System (see FFA drawing DP-01 & Engineering Assessment Report). They also refer (item no.15 (b)) to an agreed attenuation SuDS system within the development.

- 7.3.11. As shown on the Site Layout Plan submitted further to the Council's C.F.I request, unit nos. 60 to 63 have been omitted to allow for a 'Level Open Space area'. This should serve to reduce flood risk to the adjoining third party lands to the southeast of the site. In this respect regard is had to the Flood Risk Assessment Section of this Report below.
- 7.3.12. Having regard to the issues raised considering the surface water drainage, I note that the Council does not object to the proposals submitted regarding surface water drainage and this includes the diversion of the water course within the subject site. In this respect regard is had to Condition no. 7 of the Council's permission.
- 7.3.13. In conclusion, while it would not be appropriate that the proposed development, including the proposals to divert the watercourse on the subject site, would prejudice the development of the adjoining lands, I do not consider that in view of the drainage details and FRA submitted that it has been demonstrated that this would be the case. In my opinion, it would not be appropriate to include a specific condition relative to surface water drainage and the future development of the adjoining lands which are not the subject of the current application.

#### **7.4. Other Issues**

- 7.4.1. The Third Party note that the local authority was asked that consideration be given to further site servicing requirements (electrical). I would refer to the Online Construction and Environmental Management Plan submitted, noting that a final CEMP is to be submitted prior to the commencement of the development on the subject site – Condition no.17 of the Council's permission refers. While the proposed development, should not prejudice the development of the adjoining lands, I do not consider that it would be appropriate to specifically condition for the future servicing of adjoining lands, which are not the subject of the current application.

#### Conclusion

- 7.4.2. In conclusion, I would not consider that the grounds of appeal raise substantive planning issues relating to the subject planning application. The grounds of appeal relate specifically to adjoining third party lands, and therefore maybe considered civil matters, as they do not address the development for which permission is being sought. However, it is of relevance, that the proposed development would not

prejudice the future development of these adjoining lands, and therefore if the Board decides to permit, I would recommend that the conditions relative to the subject site take cognisance of this. It is of note, however, that any development of the adjoining lands would have to be considered on its merits, separately in its own right and would be the subject of a separate planning application.

## **7.5. Flood Risk Assessment**

- 7.5.1. A Flood Risk Assessment has been submitted with the application. This is titled 'Suir Bay FRA' by JBA Consulting. This notes that under 'The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG & OPW, 2009) the proposed development must undergo a FRA to ensure sustainability and effective management of flood risk.
- 7.5.2. The FRA notes that the main watercourse is the Kings Channel (Suir River) which flows c. 300m from the northern boundary of the site in an easterly direction before entering the Irish Sea at Passage East. The Kings Channel forms part of the River Suir. An unnamed tributary of the Suir River flows through the site before flowing into the Kings Channel northeast of the site. Figure 2-1 shows the watercourses in close proximity and its tributary that runs through the site.
- 7.5.3. Regard is had to the Site Geology and Figure 2-2 relates to Subsoils. It notes that permeability is classified as 'medium'. That, having regard to groundwater risk that there are no karst features within the site boundary or surrounding area.
- 7.5.4. A review is had of flood risk data relevant to the area. This notes that the OPW floodmaps review shows no historical flooding within the site boundary and that none of the incidents recorded would have impacted on the proposed site. Figure 3-2 provides the Preliminary FRA flood maps of the area and notes that it does not indicate any pluvial or groundwater risk within the site boundary. It notes that any infilling required onsite will be considerate of the potential impact on surface water pathways.
- 7.5.5. Section 3.2.2 has regard to the Suir Catchment FRA and Management Study (CFRAM). As shown on Figure 3-3 this notes that the majority of the site is within Zone C, whereas the northern part of the site is within Flood Zones A and B. Other Flood Zone mapping also shows this.

- 7.5.6. Fluvial and tidal mechanisms are discussed in Section 4 of the Report. The Flood Model Strategy notes that the site is located in an area at risk from fluvial and tidal flooding. This Section has regard to Hydraulic Modelling and Hydrology. The appraisal of flood risk to the development site looks at the Delineation of Flood Zone A & B, Post Development and Residual Risk. Figure 4-1 shows the Flood Zone (pre-development) extents relative to the application site, relative to fluvial and tidal events. As per the Guidelines no defence structures have been included in the delineation of the Flood Zone extents. This required the removal of a Berm along the north boundary of the site and along the northeast boundary where there is a tributary stream flowing in a northern direction into the Suir. It should be noted that the surrounding berm along the River Suir has not been incorporated into the model.
- 7.5.7. The FRA notes that the review of results confirm that the dominant source of flooding in the area has been identified as tidal flooding. The fringe of the site is slightly inundated during the fluvial events (with no berm in place), however it is the tidal flooding that produces the higher flood levels and extents. Table 4-4 shows the predicted flood levels within the site boundary for modelled flood events.
- 7.5.8. Section 4.11 has regard to post development analysis and notes that the model provides a baseline scenario for the pre-development 1% and 0.1% AEP fluvial flood events and for the 0.5% and 0.1% AEP tidal flood events. The design analysis does not include the existing berm which borders the Suir river along the north and northeast boundary of the site. The berm is shown in Figure 4-2 (is outside and to the north of the subject site and further from the appellant's landholding). They submit that this is due to the berm not being maintained by the OPW, therefore its condition during a 1% or lower probability flood event is not guaranteed.
- 7.5.9. The FRA notes that the proposed development mainly involves the infilling and landscaping of the existing greenfield site. The source of the flooding has been identified as the overtopping of the Kings Channel (River Suir) along the northern boundary of the site. The proposed development will be along the southern boundary of the site which is mainly in Flood Zone C.
- 7.5.10. It is proposed to infill lands currently located within Flood Zone A/B but also zoned as residential. Figure 4-3 shows the post-development flood extent and this includes proposed infilling in a small area of the site. The aim is to minimise flood risk to the

site while not causing any increase in flood risk to the surrounding area. It provides that the review of Figure 4-3 confirms that the proposed residential areas are not impacted by the 0.5% AEP, 0.5%MRFS and 0.1 AEP flood events. That Table 4-6 confirms that there is no impact on flood levels within the site for any of the modelled flood events. That there is no change in flood levels around the perimeter of the site or the wider River Suir system upstream or downstream of the site.

#### FRA - Mitigation Measures

- 7.5.11. Section 5 notes that from reviewing the available sources of flooding information outlined in Section 3, the site is located within Flood Zone C (85%), Flood Zone A (5%) and Flood Zone B (15%). As noted, there is identified predictive fluvial and tidal flooding across the site. That mitigation measures outlined have been based on the JBA hydraulic model and resulting flood maps. They provide details of increased FFLs and confirm that the residential dwellings are not at risk from inundation from the modelled events. That to facilitate a cohesive development within the site boundary it has been necessary to infill specific areas of the site within Flood Zone A/B. They have regard to the issues of land raising relative to the available flood storage and risk of inundation elsewhere in the catchment. They provide that the potential impact on flood levels has been fully appraised within the site boundary or elsewhere along the River Suir system. This is due to storage volume available between the berm and the site and miniscule loss of storage because of the proposed infill. Further discussion on the land raising proposed is provided in the Justification Test in Section 6.
- 7.5.12. As shown on the Site Plan, the primary access route into the site is from the R683 (Dunmore Road) along the southern boundary of the site. This entrance remains in Flood Zone C which will provide safe access/egress to the site during an extreme tidal/fluvial event.
- 7.5.13. The proposed development will increase the hardstanding area onsite and therefore could potentially increase the surface water runoff from the site if not mitigated against. A surface water system is to be put in place to ensure that there will be no increase in surface water runoff from the site to the surrounding area. Two culverts are proposed on site to capture the flow to the unnamed tributary drainage channel that crosses the site. The culvert dimensions are to be assessed under a Section 50

application, however they note (Section 5.2.3 of the FRA) that a minimum of 900mm will be required. Appendix B refers to the proposed stormwater design for the site.

7.5.14. They refer to residual risks and note that the FRA identifies the failure of the berm surrounding the site. That the existing berm has not been incorporated within the hydraulic model, therefore, failure of the berm will have no impact on the modelled flood levels and associated mitigation.

7.5.15. They refer to Climate Change and note that as per the OPW guidelines, it is necessary to assess the potential impact on flood risk. A simulation of the model was carried out to estimate a 20% increase of peak fluvial flows and 0.5m to the tidal levels during the 1% AEP (fluvial)/0.5% AEP (tidal) event under MRFS scenario. The FRA provides that the results confirm that the proposed development is not at risk of inundation from the predicted MRFS climate change scenario.

#### Development in the context of the Guidelines – Justification Test

7.5.16. Regard is had to *The Planning System and Flood Risk Guidelines* and it is noted that the northern portion of the proposed development site is within Flood Zones A (high probability of flooding) with part of the site in B (moderate probability of flooding) with the majority of the residential area of the site within Flood Zone C. Table 3.1 of the Guidelines provides a Classification of Vulnerability for different types of development. Residential is classed as *Highly vulnerable (including essential infrastructure)*. This provides that development in Zone A should be water compatible or avoided and/or only considered in exceptional circumstances, such as in city and town centres and where the Justification Test has been applied. Zone B is also concerned about siting highly vulnerable development and also calls for a Justification Test to be applied. Table 3.2 provides a Matrix of vulnerability versus flood zone to illustrate appropriate development and that required to meet the Justification Test.

7.5.17. Section 5.15 and Box 5.1 refers to Application of the Justification Test (to be submitted by the applicant) in development management. In the context of the Guidelines, Section 6 of the FRA provides a Justification Test. Section 7, Conclusions which include residual risks and mitigatory measures that are supportive of the justification for the siting of the proposed development scheme.

### Further Information Response

- 7.5.18. The Planning Authority noted serious concerns in relation to the proposed location of residential units within the designated Flood Zone A and B as identified on the OPW flood mapping. The applicant was requested to submit revised plans which omit the residential units located within the Flood Zone and for the provision of an appropriate buffer zone between the flood zones and proposed houses.
- 7.5.19. Hughes Planning and Development Consultants response on behalf of the applicant, refers to Sheet 8 of the Architectural Design Statement prepared by Healy Partners. They provide that this sheet illustrates the currently proposed site plan and confirms that no residential units are contained within Flood Zones A and B and an appropriate buffer (shown as amenity space) is achieved between residential units and the flood zones, which are overlaid for ease of reference. A revised Suir Bay FRA has been submitted (dated November 2022). This is similar, to that submitted with the application but seeks to take into account the Council's F.I request and the relevant policies and objectives in the Waterford CCDP 2022-2028.
- 7.5.20. Section 4.10 refers to Delineation of Flood Zones A and B. Also, noting that as per the Guidelines, no defence structures have been included in the delineation of the Flood Zone extents. Figure 4-1 shows pre-development Flood Extents for Fluvial and Tidal Events. This shows the northern part of the site which is shown on the Site Layout Plan as annotated passive amenity open space. Figure 4-2 refers to the existing berm to the north of the site. Figure 4-3 to post development flood extent.
- 7.5.21. The Site Layout Plan submitted with the F.I differs to that originally shown in that the layout has been amended so that the houses shown in the area for proposed infilling in the northwestern part of the site have been reconfigured so that they are to the south of these areas. This Plan shows the 'OPW Flooding boundary marked in broken green' to the north of the site. A detention basin is also shown within the open space area. The FRA provides that Table 4-6 confirms that there is no development impact on flood levels within the site for the modelled flood events. In addition, that there is no change in flood levels around the perimeter of the site or the wider River Suir system upstream or downstream of the site.



## FRA - Mitigation Measures

- 7.5.22. In general, these are as noted above in the FRA submitted with the original application. The revised FRA submitted in response to the F.I notes (Section 5.2.1) that the FFLs for the residential development is to vary from 4.0mOD to 6.80mOD. The minimum FFL of 4.0mOD provides for a freeboard of 0.48m above the 0.5% AEP MRFS (3.48m OD) scenario and 0.81m above the 0.1% AEP flood level (3.19m OD). The FRA confirms that FFLS of the residential dwellings are not at risk from inundation from the modelled flood events.
- 7.5.23. Section 5.2.5, relative to Stormwater Design includes reference to the proposed stormwater design provided in Appendix B, and that it is proposed to locate the detention basin within Flood Zone A. That the berms located around the banks with the Suir River will protect the amenity space and detention basis during higher probability flood event. During low probability events (1% AEP and 0.1% AEP), the unattenuated surface water flow will have no impact on flood risk as it is located within a tidal estuary. It is submitted that further to the above, there is no identified pluvial flooding onsite from the PFRA mapping and any pluvial flood risk will be managed by the proposed stormwater system.
- 7.5.24. Similarly, regard is had to Residual Risk and to Climate Change. The revised FRA notes that the results confirm the proposed development is not at risk of inundation from the predicted MRFS climate change scenario. A freeboard of minimum 0.48m has been provided above the 0.5% AEP MRFS tidal flood event (3.48m OD) for the lowest FFLs, as discussed in Section 5.2.1. The design road (3.80m OD) is 0.32m higher than the predicted 0.5% AEP MRFS tidal flood levels.

## Justification Test

- 7.5.25. Section 6 of the revised FRA includes a Justification Test in accordance with Box 5.1 of 'The Planning System and Flood Risk Management Guidelines'. Where 'Highly Vulnerable Development' is proposed within a delineated 'Flood Zone A' or 'Flood Zone B', it must be established that the development satisfies the criteria of the Justification Test as described in Box 5.1 of the Guidelines 'Application of the Justification Test in development management'. A response to each of the criteria in Box 5.1 of the Guidelines is provided in the SSFRA. In summary they provide the following:

1. The land zoning referenced in the Justification Test is based on the Waterford City and County Development Plan 2022-2028. This notes that based on the existing development plan, the site is divided into the following zones:

- R1.4 – New/proposed residential
- G3 – Conservation, amenity or buffer space.

It is concluded that the areas of the site that will contain residential proposals is zoned as R1- New/Proposed Residential, which is appropriate for the proposals. Therefore, the proposed development passes Part 1 of the Justification Test.

2.(i) A small area of the proposed development is partially located within Flood Zone A/B. The FFLs will be raised above the 0.5% AEP MRFS tidal event plus freeboard. This infilling could have a potential impact on flood levels.

Impact analysis has been undertaken which confirms that there is no change in flood levels following the proposed infilling, around the perimeter of the site or in the wider River Suir watercourse.

They conclude that hydraulic modelling confirmed that the proposed development will have no impact upstream/downstream of the site post development.

(ii) The minimum FFL onsite is set at 4.0m OD which provides a freeboard of 0.52m above the 0.5% AEP MRFS and 0.81m above the 0.1% AEP tidal flood events. These flood events provide the highest flood levels at the site.

They conclude that a number of scenarios have been appraised to minimise the flood risk to the development. The minimum freeboard provided in 0.52m above the 1% AEP MRFS tidal flood level.

(iii) The main residual risk identified to the development is the possible failure of the existing flood defences along the bank of the River Suir. The berm has been completely removed from the design and impact analysis. The results from the modelling confirms that the proposed development will not be impacted by this scenario.

They conclude that residual risks have been appraised for the site which has been identified as the complete removal of the flood defence berm along the River Suir. The results confirm that the proposed development will not be inundated following the complete removal of the existing defence berm.

- (iv) They refer to the supporting documentation for the development proposal with regards to the wider planning objectives.

#### Conclusion of SSFRA

- 7.5.26. Based on the information assessed and as provided in the Justification Test it is of note that Section 7 provides a conclusion and a summary of recommendations in consideration of the findings and analysis of the SSFRA. In summary this concludes that based on their recommendations, the overall development of the site, which includes for surface water drainage systems would not result in an increase in flood risk elsewhere nor an adverse impact to the hydrological regime of the area and is not expected to adversely impact on adjacent lands or properties or increase flood risk elsewhere. They conclude that the proposed development is appropriate from a flood risk perspective.

#### Clarification of F.I

- 7.5.27. The Planning Authority had regard to the revised plans and the revised FRA submitted. They noted that the revised plans appear to indicate proposed residential units, within the designated flood zones to the east of the site – Units 60-63. This is shown on the Site Layout Map as the area where the existing watercourse is to be diverted. While the submitted Planners Report and the revised Architectural Report state that no residential units are located within the flood zones, they are concerned that this appears to be contradicted by the FRA, which indicates that residential units (nos. 60, 61, 62 and 63) are located within the flood zones and that it is proposed to infill this area to address this issue. They request clarification on this issue with revised details including revised plans as appropriate to indicate no proposed residential units being located within the designated flood zones.
- 7.5.28. The applicant's response provides that the mitigation measures within the FRA submitted at F.I stage, which comprised the infilling of the land which would accommodate House Nos. 60-63, would be sufficient to prevent flooding of these units without resulting in any associated increase in flood risk to the surrounding

area. Notwithstanding this they referred the Planning Authority to Drawing no.202 'Proposed Site Plan' as prepared by Healy Partners Architects, and the revised FRA, as prepared by JBA Consulting Engineers. They provide that these documents both illustrate the omission of the previously proposed House nos. 60-63, as guided by the P.A, due to their location within Flood Zone B. This area is now indicated as 'Level Open Space'.

- 7.5.29. The Planner's Report notes that the revised layout submitted at C.F. I stage therefore consists of 89no. residential units. That the area in question is now proposed to be used as a small area of open space, which is over-looked by houses to the south. They provide that they are satisfied that the developer has addressed the issues raised.

### Conclusion

- 7.5.30. Having regard to the information submitted with the original application and, to the revisions made to the documentation submitted including the Site Layout Plans in response to the Council's F.I and C.F.I requests concerning the revised FRA and to the Justification Test as provided, I would consider the proposal to be in compliance with 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities 2009'. That it would not conflict with policies and objectives relative to flood risk and comply with Policy Objective UTL 10 refers to Flooding/SRFA, in the Waterford City and County Development Plan 2022-2028. I would, therefore, consider that the issue of flood risk has been addressed.

## **8.0 Appropriate Assessment**

### **8.1. Stage 1 - Screening**

#### **Compliance with Article 6(3) of the Habitats Directive**

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there

is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

- 8.1.1. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
- 1) Description of the plan or project and local site or plan area characteristics.
  - 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
  - 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
  - 4) Screening Statement with conclusions.

### **Project Description**

- 8.1.2. The proposed development as originally submitted, in summary comprises of a residential development for 90no.units (74no. houses and 16 mews units), a childcare facility, access and all ancillary site works on lands at Knockboy, Dunmore Road, Co. Waterford.
- 8.1.3. A Habitats Directive Assessment was submitted with the application. The purpose of this report is to examine the development for possible impacts on the integrity of the Natura 2000 network, in particular on the adjacent SAC – the Lower River Suir SAC (Site Code: 002137) and also the River Barrow & River Nore (Site Code: 002162). Details are given of the sources of the data, having examined the available files and online sources of information for the local Natura 2000 sites.
- 8.1.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- \* Construction related -uncontrolled surface water/silt/ construction related pollution
  - \* Habitat loss/ fragmentation
  - \* Habitat disturbance /species disturbance (construction and or operational)

8.1.5. In relation to the matter of habitat loss or alteration while the proposed development site is located adjacent to the Lower River Suir SAC there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.

**European Sites**

8.1.6. Section 3.3.3 of the Screening Report provides an Identification of Relevant European Sites (Natura 2000) within a 15km radius of the proposed development area.

**Table 1 below provides a list of *Proximity to designated sites of conservation importance.***

<b>European Site</b>	<b>Code</b>	<b>Distance</b>	<b>Direct Hydrological/Biodiversity Connection</b>
Lower River Suir SAC	IE0002137	85.8m	Yes
River Barrow and River Nore SAC	IE0002162	4.5km	Yes
Tramore Dunes and Backstrand SAC	IE0000671	7.2km	No
Bannow Bay SAC	IE0000697	14.3km	No
Hook Head SAC	IE000764	14.6km	No
Tramore Back Strand SPA	IE0004027	7.1km	No
Mid-Waterford Coast SPA	IE0004193	12.8km	No
Bannow Bay SPA	IE0004033	14.1km	No

- 8.1.7. The Qualifying Interests and General Conservation Objectives of each of these Designated Natura 2000 Sites as referred to above are included in Table 2 of the AA Screening Report.
- 8.1.8. There is a potential impact receptor pathway via surface water links between the proposed development and two of these Natura 2000 sites, the Lower River Suir SAC and the River Barrow and River Nore SAC and these have been screened in.
- 8.1.9. As there are no hydrological links/biodiversity connections the other aforementioned (Table 1 above) Natura 2000 sites, have been screened out.

**The Qualifying Interests and General Conservation Objectives of these two Designated Natura 2000 sites are as shown on Table 2 below:**

<b>European Site (code) and distance from proposed development</b>	<b>List of Qualifying Interest/Special Conservation Interest</b>	<b>General Conservation Objectives</b>	<b>Connections (source, pathway receptor)</b>	<b>Considered in further screening Y/N</b>
Lower River Suir SAC IE0002137  Distance 85.8m	Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330]  Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]  Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]  Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.	There is source – pathway – connectivity between the proposed development site and the Lower River Suir SAC This is adjacent to the site and is hydrologically connected.	Yes

	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaité Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>			
<p>River Barrow and River Nore SAC IE0002162 Distance 4.5km</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-</i></p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II</p>	<p>There is source – pathway – connectivity between the proposed development site and the River Barrow</p>	<p>Yes</p>



	<p>Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p>	<p>species for which the SAC has been selected.</p>	<p>and River Nore SAC</p> <p>This is hydrologically connected to the site.</p>	
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	Lampetra planeri (Brook Lamprey) [1096]			
	Lampetra fluviatilis (River Lamprey) [1099]			
	Alosa fallax fallax (Twait Shad) [1103]			
	Salmo salar (Salmon) [1106]			
	Lutra lutra (Otter) [1355]			
	Trichomanes speciosum (Killarney Fern) [1421]			
	Margaritifera durrovensis (Nore Pearl Mussel) [1990]			

8.1.10. I have reviewed the information on file and the documentation submitted by the applicant. Given the potential for indirect affects through surface water discharge and the public foul/effluent sewer network, significant impacts on these two sites cannot be discounted. In view of the proximity and hydrological connection this proposal has potential to impact on the integrity of the Lower River Suir SAC and the River Barrow and River Nore SAC and this is considered further in the Screening Rationale below.

**Assessment of likely Effects (Direct/Indirect)**

Lower River Suir SAC

8.1.11. Details provided in the AA Screening Report provide that there is a direct pathway from the proposed development site to this SAC (c.86m to the north of the subject site at its closest point) via the Halfway House Stream, which traverses through the proposed development site. There is potential for connectivity/permeability between the site of the proposed development and the area of Saltmarsh at Ballinakill within the boundary of the SAC via the direct pathway from works on the site. Surface water from the site will discharge to a new detention basin and the existing

watercourse (the Halfway House Stream), which passes through existing wetlands before discharging to the River Suir. The features of interest of this SAC were not noted on the site or, proximate to, the proposed development area. Japanese knotweed was noted on the site.

- 8.1.12. There are also proposed works to be carried out on the Halfway House Stream, which will be redirected to the historic route (Figure 12). Therefore, there is potential for pollutants, sediment and contaminated surface water runoff from the site to enter the watercourse and travel downstream to this SAC. The Halfway House Stream discharges directly to the Lower River Suir SAC and would pass via the saltmarsh habitats within the SAC.
- 8.1.13. Foul water from the site will discharge to a public pump station and be pumped to a WwTP at Belview, Co. Kilkenny where it will be treated and discharged to the Lower Suir Estuary under licence following treatment. There is, therefore, an indirect pathway from the site to the Lower River Suir SAC via the foul sewer network.
- 8.1.14. A number of Features of Interest are aquatic species or, species associated with aquatic habitats, and could potentially be impacted directly or indirectly by aquatic pollution, deterioration in water quality or a reduction in aquatic biodiversity as a result of pollution. Given that extensive instream works are proposed and there is a direct hydrological pathway to this SAC extensive mitigation measures are required. These are required to ensure that dust, invasive species, silt, and petrochemicals do not enter the Halfway House Stream and that works do not result in the potential for downstream impacts on this SAC. There is potential for pollutants, invasive species, dust or silt laden run off to enter the watercourse during construction and operation and have a significant effect on the conservation objectives of this SAC. Therefore, the project must proceed to a Stage II Natura Impact Assessment.

#### River Barrow and River Nore SAC

- 8.1.15. The proposed development is located 4.5km from this SAC. There is a direct pathway from the proposed development site to this SAC via the Halfway House Stream, which traverses through the proposed development site and the tidal element of the River Suir. Surface water from the site will discharge to a new detention basin and the existing watercourse (the Halfway House Stream), which passes through existing wetlands before discharging to the River Suir. The features

of interest of this SAC were not noted on site or, proximate to the proposed development area. Japanese knotwood was noted on site.

- 8.1.16. There are also proposed works to be carried out on the Halfway House Stream, which will be redirected to the historic route (Figure 12). Therefore, there is potential for pollutants, sediment and contaminated surface water runoff from the site to enter the watercourse and travel downstream to this to the River Suir and enter the River Barrow and River Nore SAC downstream of the works.
- 8.1.17. Foul water from the site will discharge to a public pump station and be pumped to a WwTP at Belview, Co. Kilkenny where it will be treated and discharged to the Lower Suir Estuary under licence following treatment. There is, therefore, an indirect pathway from the site to the River Barrow and River Nore SAC via the foul sewer network.
- 8.1.18. A number of Features of Interest are aquatic species or, species associated with aquatic habitats, and could potentially be impacted directly or indirectly by aquatic pollution, deterioration in water quality or a reduction in aquatic biodiversity as a result of pollution. Given that extensive instream works are proposed and there is a direct hydrological pathway to this SAC extensive mitigation measures are required. These are required to ensure that dust, invasive species, silt, and petrochemicals do not enter the Halfway House Stream and that works do not result in the potential for downstream impacts on this SAC. There is potential for pollutants, invasive species, dust or silt laden run off to enter the watercourse during construction and operation and have a significant effect on the conservation objectives of this SAC. Therefore, the project must proceed to a Stage II Natura Impact Assessment.

### **Conclusion – Stage 1 AA**

- 8.1.19. The project is limited in scale and extent and the potential zone of influence is restricted to the immediate vicinity of the proposed development. However, there are proposed works to be carried out to facilitate the proposed development including the realignment of the Halfway House Stream to the historic route. In the absence of mitigation measures there is potential for silt laden material, dust and pollution from the site works including the realignment, to enter the direct pathway to European sites, via the Halfway House Stream, and impact European sites immediately downstream from the works.

- 8.1.20. The Screening Report provides that based on the precautionary principle an NIS is required in respect of the potential effects on the Lower River Suir SAC and the River Barrow and River Nore SAC. These cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect.
- 8.1.21. The other Natura 2000 sites as have been listed in Table 1 of the Report are screened out due to lack of potential for hydrological connections and separation distances and an NIS or Stage 2 AA is not required for the effects of the project on all other listed European sites.
- 8.1.22. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Nos. 002137 and 002162, in view of the site's Conservation Objectives, an Appropriate Assessment and submission of a NIS is therefore required.

## 8.2. **Stage 2 – Appropriate Assessment**

- 8.2.1. The application includes a NIS which examines and assesses potential adverse effects of the proposed development on the following European Sites.
- Lower River Suir SAC (site code: 002137)
  - River Barrow and River Nore SAC (site code: 002162)
- 8.2.2. Having reviewed the documents, submissions and consultations with the NPWS etc, I am satisfied that the information including that in the NIS (dated 10<sup>th</sup> of February 2022) and in revised NIS (dated 17<sup>th</sup> of November 2023) submitted in response to the Council's further information request, allows for a complete assessment of any adverse effects of the development, on the conservation objectives of these European sites alone, or in combination with other plans and projects.

### **Appropriate Assessment of the implications of the proposed development**

- 8.2.3. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 8.2.4. Having regard to the precautionary principle, it has been concluded that mitigation measures are required during the construction and operation to prevent impacts on the Lower River Suir SAC and the River Barrow and River Nore SAC (Section 5 Stage II NIS). Impacts are likely from the proposed works in the absence of mitigation measures, as a result of direct hydrological connection from the proposed development site to the Lower Suir Estuary (Lower River Suir SAC). There is potential for downstream impacts on these SAC's from the project during site clearance, enabling, construction from the Lower River Suir SAC to the River Barrow and River Nore SAC. There is potential for negative impacts on the Conservation Objectives of both the Lower River Suir SAC and the River Barrow and River Nore SAC in the absence of mitigation measures.
- 8.2.5. The surface water from the site will be discharged to the Lower River Suir SAC. There is potential for pollutants from the site to enter the watercourse and have negative impacts on the Conservation Objectives and Features of Interest of the Lower River Suir SAC and potentially the River Barrow and River Nore SAC which is also hydrologically connected. Foul water from the site will be treated at the Wastewater Treatment Plant in Belview, Co. Kilkenny which (as provided in Section 5 of the NIS) is compliant and has capacity. The treated water will be discharged to the Lower Suir Estuary. Several features of interest of these sites are aquatic species or could potentially be impacted directly or indirectly by aquatic pollution or by a deterioration in water quality or a reduction in aquatic biodiversity. Mitigation measures are required to protect these European sites.
- 8.2.6. The NIS evaluates the potential for direct, indirect effects, alone or in combination with other plans and projects having taken into account the use of mitigation measures. A further review of the conservation objectives and features of interest is

necessary to determine if significant effects are likely to impact the Lower River Suir SAC and the River Barrow and River Nore SAC.

### **Aspects of the proposed development**

8.2.7. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include;

- Impacts to water quality and wetland habitats through construction related pollution events and /or operational impacts.

A description of the Qualifying interests and Conservation Objectives of the aforementioned SACs is given in Table 2 in the Screening Assessment above.

### **Regard to AA issues**

8.2.8. The Planning Authority noted the Heritage Officer's concerns relative to the AA Screening Report and NIS submitted with the application and requested F.I to in summary include the following:

#### Item no.16 - NIS

- The hydraulic loading arising from surface discharge to the Halfway House Stream needs to be detailed and potential impact on Saltmarsh vegetation and structure assessed. This included potential for in-combination effects with other consented developments in the vicinity referred to.
- To clarify the potential for connectivity/permeability between the site of the proposed development and the area of Saltmarsh at Ballinakil within the boundary of the SAC and assess potential for indirect impact in the resubmitted NIS.

#### Item no.17 – Fisheries Habitat

- It was noted from section 3.2 of the AA that it is proposed to divert the local watercourse to the historic route. The applicants were requested to submit a letter from Inland Fisheries Ireland approving diversion of the stream, methodology and mitigation measures to be applied- in same and to clarify how water quality in this stream will be managed within the development to meet current relevant objectives.

- 8.2.9. The Applicant's response includes revisions to the documentation submitted and to AA Screening & NIS (Altemar 17<sup>th</sup> of November 2022). This is discussed further in the context of this Assessment below and regard is had to the revisions made.
- 8.2.10. Having reviewed the revised NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts and does use best scientific information and knowledge. Details of mitigation measures, relating to standard environmental protection measures for construction and operational phases, are provided and they are summarised in Section 7 and Table 7 of the NIS. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

## **European Sites**

### Lower River Suir SAC

- 8.2.11. Section 5.2 of the revised NIS provides details of Qualifying Features and Conservation Interests for this SAC and this refers to the NPWS Site Synopsis.
- This includes: *Salt Meadows occur below Waterford City in old meadows where the embankment is absent, or has been breached, and along the tidal stretches of some of the inflowing rivers below Little Island. There are very narrow, non-continuous bands of this habitat along both banks. More extensive areas are seen along the south bank at Ballynakill and Cheekpoint.*

The Qualifying Interests (QI) (Features of Interest) and the National Conservation status of the QI for the Lower River Suir SAC are given in Table 4 of the NIS. This includes note of their 'current conservation status & trend'.

- 8.2.12. Table 6 of the NIS notes that there is potential for significant effects from the works on the following qualifying interests of the Lower River Suir SAC as listed below in the absence of mitigation measures:

- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]



- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

8.2.13. It is provided that the mitigation measures outlined will be carried out to ensure that no silt or pollution enters watercourses or is allowed to travel downstream of the proposed works from the construction or operation of the proposed project and create localised pollution.

*River Barrow and River Nore SAC*

8.2.14. Section 5.4 of the revised NIS provides details of Qualifying Features and Conservation Interests for this SAC and this refers to the NPWS Site Synopsis.

The Qualifying Interests (QI) (Features of Interest) and the National Conservation status of the QI for the River Barrow and River Nore SAC are given in Table 5 of the NIS. This includes note of their 'current conservation status & trend'.

8.2.15. Table 6 of the NIS notes that there is potential for significant effects from the works on the following qualifying interests of this SAC as listed below in the absence of mitigation measures:

- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Margaritifera durrovensis* (Nore Pearl Mussel) [1990] (Precautionary Approach).

8.2.16. It is provided that the mitigation measures outlined will be carried out to ensure that no silt or pollution enters watercourses or is allowed to travel downstream of the proposed works from the construction or operation of the proposed project and create localised pollution.

## **Analysis of the Potential Impacts**

- 8.2.17. Section 6 of the NIS notes that this section has been prepared to outline the construction and operational phase measures in addition to detailing the potential impacts on sensitive receptors within the Zone of Influence (ZOI) and the Natura 2000 sites downstream of the proposed development. This provides a description of the potential impacts that the proposed development may have on the qualifying interests and conservation objectives in the absence of mitigation. This includes that the proposed development will involve extensive works in the vicinity of the Halfway House Stream which traverses through the proposed development site and flows towards the Lower River Suir SAC and ultimately the River Barrow and River Nore SAC.
- 8.2.18. As noted in the Outline Construction Environmental Management Plan, developed by Frank Fox & Associates, Civil & Structural Consulting Engineers, there are two distinct elements in the phasing:
- a) Ancillary site works, inclusive of landscaping, boundary treatment, drainage & SuDS drainage.
  - b) Development related excavation and construction works.
- 8.2.19. It is proposed to locally redirect the Halfway House Stream to the historic route. In doing so the diversion works will be undertaken before the diversion is completed to mitigate interference i.e. silting of the exiting downstream watercourse. As mentioned in the Outline Construction Environmental Management Plan, once the development is complete the site would be seen as a stable ecological environment.
- 8.2.20. The proposed development is not within a designated conservation site. As noted, the Halfway House Stream traverses through the subject site and the nearest European sites with a hydrological pathway are the Lower River Suir SAC and the River Boyne and River Nore SAC, both of which are located downstream of the subject site. Qualifying Interests of the Lower River Suir SAC and the River Barrow and River Nore SAC include Otter, White-clawed Crayfish and Freshwater Pearl Mussel. No other European sites have a direct hydrological connection or pathway from the proposed development site. Mitigation measures to prevent impact on European Sites are outlined in Table 6 of the NIS.

## **Mitigation Measures**

- 8.2.21. The Screening for AA identified that the potential impacts that could (without mitigation) cause a significant effect on the qualifying interests and conservation objectives of the Lower River Suir SAC and the River Barrow and River Nore SAC during the proposed construction works into the adjacent riparian and aquatic habitats impacting on the quality of these habitats and the aquatic species they support within these SACs. Uncontrolled runoff could enter into the adjacent riparian and aquatic habitats adversely affecting the quality of these habitats and the aquatic species they support. The application of preventive measures will ensure that impacts do not reach the Lower River Suir SAC and the River Barrow and River Nore SAC and that adverse effects on the relevant qualifying interests can be avoided.
- 8.2.22. Mitigation Measures are detailed in Section 7 of the revised NIS and Precautionary measures to be taken during construction and operational phases. A robust series of mitigation measures relative to the proposed development will be carried out to ensure that there will be no significant effects on the Lower River Suir SAC or on the River Barrow and River Nore SAC (these are listed in Table 7 of the NIS). That these have been developed by a multidisciplinary project team. That they would ensure that no significant quantities of silt, dust, petrochemicals, invasive species or pollution enters the Halfway House Stream, thus mitigating potential for downstream impacts on European sites. That early implementation of ecological supervision on site at initial mobilisation and enabling works is seen as an important element of the project, particularly in relation to the realignment of the Halfway House Stream to the historic route and the implementation of mitigation on site.
- 8.2.23. Table 7 of the NIS (and revised NIS) provides a comprehensive list of the Mitigation measures which are relative to preventing impact on the Lower River Suir SAC and the River Barrow and River Nore SAC. In view of potential impacts on similar qualifying interests as listed (Table 6) and mitigation measures for both sites are considered jointly in Table 7 of the NIS and in this table as summarised below.

**Table 3 – AA summary matrix for the Lower River Suir SAC and River Barrow and River Nore SAC**

<p><b>Lower River Suir SAC (Site Code 002137)</b></p> <p><b>Summary of Key issues that could give rise to adverse effects</b></p> <ul style="list-style-type: none"> <li>• Potential water pollution - Water Quality and water dependant habitats</li> <li>• Potential sedimentation from surface water runoff - Water Quality and water dependant habitats.</li> </ul> <p><b>River Barrow and River Nore SAC (Site Code 002162)</b></p> <p><b>Summary of Key issues that could give rise to adverse effects</b></p> <ul style="list-style-type: none"> <li>• Potential water pollution - Water Quality and water dependant habitats</li> <li>• Potential sedimentation from surface water runoff - Water Quality and water dependant habitats.</li> </ul>					
		<b>Summary of Appropriate Assessment</b>			
<b>Qualifying Interest feature</b>	<b>Conservation Objectives</b>  Targets and attributes (as listed in detail in the Conservation Objectives in the NPWS website for the Lower River Suir SAC (site code: 002137) and the River Barrow and River Nore SAC: (site code: 002162)	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded?</b>
<p><b>The following Qualifying interests of the Lower River Suir SAC and the River Barrow and River Nore SAC are present in this part of the SAC and have the potential for adverse effects (as stated in Table 6 of the NIS):</b></p>					
<b>White-clawed crayfish</b>	To maintain the favourable conservation condition of White-clawed crayfish in the Lower River Suir SAC and in the River Barrow and River Nore	Potential water pollution  Potential sedimentation from surface water runoff  If this were to occur during construction, it could lead to a	Mitigation measures required and these are detailed in full in Table 7 of the NIS	None	Yes

	<p>SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes</p>	<p>localised degradation of habitat quality.</p>			
<b>Sea Lamprey</b>	<p>To restore the favourable conservation condition of Sea Lamprey in the Lower River Suir SAC and the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	None	Yes
<b>Brook Lamprey</b>	<p>To restore the favourable conservation condition of Brook Lamprey in the Lower River Suir SAC and in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	None	Yes
<b>River Lamprey</b>	<p>To restore the favourable conservation of River Lamprey in the Lower River Suir SAC and the River Barrow and</p>	<p>Potential water pollution</p> <p>Potential sedimentation</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	None	Yes

	<p>River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes</p>	<p>from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>			
Twaite shad	<p>To restore the favourable conservation condition of Twaite shad in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	None	Yes
<b>Atlantic Salmon</b>	<p>To restore the favourable conservation condition of Salmon in the Lower River Suir SAC and in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	None	Yes

<p><b>Otter</b></p>	<p>To restore the favourable conservation condition of Otter in the Lower River Suir SAC and in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No significant decline, subject to natural processes</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>Potential disturbance</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	<p>None</p>	<p>Yes</p>
<p><b>Freshwater Pearl Mussel</b> (precautionary approach)</p>	<p>The status of the freshwater pearl mussel (as a qualifying Annex II species for the Lower River Suir SAC and the River Barrow and River Nore SAC is currently under review.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	<p>None</p>	<p>Yes</p>
<p><b>Nore freshwater pearl mussel</b> (precautionary approach)</p>	<p>To restore the favourable conservation condition in the River Barrow and River Nore SAC (note: this is not referred to as a Q.I in the Lower River Suir SAC).</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised</p>	<p>Mitigation measures required and detailed in full in Table 7 of the NIS</p>	<p>None</p>	<p>Yes</p>

		degradation of habitat quality.			
Other Qualifying interests of the Lower River Suir SAC and the River Barrow and River Nore SAC (are listed in Table 2 of the NIS) are not referred to in as being in this part of these SACs and are not listed as having the potential for adverse effects (as stated in Table 6 of the NIS).					

### In-Combination Effects

- 8.2.24. Section 3.6 of the AA Screening Report as originally submitted notes that there are multiple developments that received planning permission located in the area immediately surrounding the subject site. They provide a list and details of those identified on the Department of Housing Local Government and Heritage ‘National Planning Application Map’ portal on Table 3: *Proximate planning applications*.
- 8.2.25. It is noted that the list on this Table has been extended in response to the Council’s F.I request (item no. 16 - NIS) to include a more extensive consideration of in-combination effects and references to the following consented developments: 21/833, 21/976 and SHD 304423. Details relative to these are given in Section 3.4 of the revised AA Screening Report.
- 8.2.26. This notes that in the Natura Impact Statements relative to Reg.Refs.21/833 and 21/976, which both refer to similar sites to the south on the opposite side of the road, it was concluded that: *With the implementation of the mitigation measures specified in Section 4.2, no indirect habitat loss or deterioration of the SACs in relation to silt-laden or contaminated surface-water run-off arising from the construction/operational phases of the proposed development is deemed likely to be the case.*
- 8.2.27. Relative to SHD 304423 (site also on the opposite side of the road) they refer to the EIAR and NIS and note that there would be limitations on surface water discharge runoff and incorporation of SuDS measures. They refer to the details then submitted and note assessment was also had of fluvial flows. It was concluded in the NIS: *On this basis it is concluded that the proposed development will not have significant effects on the WFD environmental objectives associated with the Lower Suir Estuary, nor is it likely to impact on the qualifying habitats and species of the Lower River Suir SAC or the River Nore and River Barrow SAC.*



8.2.28. Section 3.4 of the revised Stage I – Screening Assessment provides relative to the subject site, (which is located in closer proximity to the Lower River Suir SAC, than the aforementioned sites), that no projects that are proposed or currently under construction could potentially cause in combination effects on European sites. The proposed development in addition to the other developments proximate to the site has incorporated SuDS measures to ensure greenfield runoff rates. Given this, they provide that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised. Having regard to the information set out therein, I am satisfied that no cumulative impacts arise.

8.2.29. Section 8 of the NIS provides that following the implementation of the mitigation measures outlined (Table 7 NIS), the construction and presence of this development would not be deemed to have a significant impact on the integrity of these European sites. It concludes that no significant impacts are likely on European sites, along or in combination with other plans and projects based on the implementation of standard construction phase mitigation measures.

### **AA Conclusion**

8.2.30. The Applicant's NIS concludes that there are no significant likely negative effects on the Natura 2000 sites. Potential impacts from construction and operation pollutants (including dust, silt and petrochemicals), will be removed with the prevention measures built-in to the project. Mitigation measures will be in place to ensure there are no significant impacts on the Halfway House Stream that leads to conservation sites. It provides that it may be concluded that the project will not have any significant effect on the integrity of the Natura 2000 site network, in particular on the qualifying features of the Lower River Suir SAC and the River Barrow & River Nore SAC. That neither will it have any influence on the attainment of the conservation objectives.

8.2.31. The proposed development to provide a residential development for 90 units, creche, access, connection to services and ancillary works on the subject site, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

- 8.2.32. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Lower River Suir SAC and the River Barrow and River Nore SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of their conservation objectives.
- 8.2.33. It has been concluded in the NIS that subject to the implementation of the mitigation measures outlined that there are no significant likely negative effects on the aforementioned Natura 2000 sites. Potential impacts from construction and operation will be removed with the prevention measures built-in to the project and the mitigation measures as set out in Section 7 and Table 7 of the NIS. Therefore, it may be concluded, in light of best scientific knowledge that the project will not have any significant effect on the integrity of the Natura 2000 site network, in particular on the Lower River Suir SAC and on the River Barrow & River Nore SAC. That neither will it have any influence on the attainment of the conservation objectives
- 8.2.34. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos. 002137 and 002162 or any other European site, in view of the site's Conservation Objectives.
- 8.2.35. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## **9.0 Recommendation**

Having regard to the above assessment, I recommend that planning permission be granted subject to the conditions below.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, to the residential land use zoning of the site, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities

of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars submitted on the 18<sup>th</sup> of November 2022 and by the clarification of further information submitted on the 13<sup>th</sup> of January 2023 and by the further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> of April 2023, 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 interests of clarity.</p>
2.	<p>As shown on the Site Plan submitted on the 13<sup>th</sup> of January 2023 (drawing no. 19-141-202 K), this permission relates to the provision of 89 units and a creche building.</p> <p>Prior to the commencement of the development a revised Site Layout Plan shall be submitted showing the correct numbering of the units within the overall scheme (i.e.: to allow for the omission of units nos. 60-63 now shown as an area of open space).</p> <p><b>Reason:</b> In the interests of clarity.</p>
3.	<p>(a) Prior to the commencement of any house in 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 house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses</p>

	<p>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 specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by 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><b>Reason:</b> 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 in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>
4.	<p>(a) Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) All bathroom windows shall be obscure glazed.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>The mitigation and monitoring measures outlined in the plans and particulars including the Natura Impact Statement relating to the proposed development, shall be implemented in full or as may be required in order to</p>

	<p>comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval required further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p><b>Reason:</b> In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.</p>
6.	<p>A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, the site clearance and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.</p> <p><b>Reason:</b> In the interest of biodiversity and the protection of European Sites.</p>
7.	<p>(a) Full details of the proposed in-stream works and the realignment of the water course within the site, shall be submitted and agreed in writing with the planning authority prior to the commencement of development.</p> <p>(b) Measures required by Inland Fisheries Ireland shall also be incorporated into the arrangements. Where such measures require details to be agreed, all such details shall be placed on file and retained as part of the public record.</p> <p><b>Reason:</b> In the interest of environmental protection and public health.</p>
8.	<p>The site including the areas of open space and the detention basin area shown on the approved plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting</p>

	<p>season thereafter. This work shall be completed before any of the dwellings are made available for occupation.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.</p>
9.	<p>Final details of all proposed site boundary treatments shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of visual and residential amenities.</p>
10.	<p>The access from the public road and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>A footpath connecting with the existing footpath adjoining the south-eastern road frontage shall be provided along the Dunmore Road within the 3 metre set back area shown on the Site Plan submitted on the on the 13<sup>th</sup> of January 2023 (drawing no.19 -141-202 K) and a pedestrian link from the Dunmore Road to the site. Prior to the commencement of development detailed specification for same shall be submitted and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interests of pedestrian safety and connectivity to the wider area.</p>
12.	<p>A management plan for the control of alien invasive species, including a monitoring programme, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to prevent the spread of alien plant species.</p>

13.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
14.	<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>
15.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
16.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
17.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located</p>

	<p>underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
18.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
19.	<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>
20.	<p>The construction of the development shall be managed in accordance with a Construction Environment 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 the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust</p>



	<p>management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
21.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
22.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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>
23.	<p>Prior to commencement of development, the developer 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 section 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.</p>

	<p>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 of the area.</p>
24.	<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 by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the 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 referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
25.	<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 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</p>

matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** 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.

#### Professional Declaration

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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Angela Brereton

Planning Inspector

10<sup>th</sup> of January 2024

**Appendix 1 - Form 1  
EIA Pre-Screening  
[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-315967-23		
<b>Proposed Development Summary</b>	Residential development comprising 74 two storey houses and 16no. mews type dwellings, construction of childcare facility and all associated site works. This application is accompanied by an NIS.		
<b>Development Address</b>	Lands at Knockboy, Dunmore Road, Co. Waterford.		
1. <b>Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
2. <b>Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required
<b>No</b>	✓	Below Threshold	Proceed to Q.3
3. <b>Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class/Threshold 10(b)	Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix 2 - Form 2**

**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	ABP-315967-23	
<b>Proposed Development Summary</b>	Residential development comprising 74 two storey houses and 16no. mews type dwellings, construction of childcare facility and all associated site works. This application is accompanied by an NIS.	
<b>Development Address</b>	Lands at Knockboy, Dunmore Road, Co. Waterford	
<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>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development to include 90 units (stated area 5.47ha) is within an area zoned residential in the Waterford City and County Development Plan 2022-2028.  The proposed development is to connect to public services. As per the documentation submitted, including regard to Construction and Environmental Management it will not result in significant emissions or pollutants.	No  No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing and/or permitted projects?	This proposal is for the construction of 90no. residential units and is well below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).  Please refer to the Planning History Section of this Report. No significant cumulative considerations	No  No
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly	Residential Development on serviced site on zoned lands and proposal includes regard to surface water drainage and the incorporation of SuDS. A Flood Risk Assessment has been submitted and the Justification Test has been passed.	No

<p>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>The proposal includes the diversion of a watercourse within the site (Halfway House Stream) to the historic route. This has been assessed in the documentation and shown on the drawings submitted, and it is concluded that it will not have a significant effect.</p>	<p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p><del>Schedule 7A information required to enable a Screening Determination to be carried out.</del></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p><del>EIAR required.</del></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)