



An
Bord
Pleanála

Inspector's Report

ABP-318284-23

Development	Phase 4A of a residential development consisting of 79 units, a creche and 1 ESB Substation. A Natura Impact Statement (NIS) has been prepared and will be submitted to the planning authority with the application.
Location	The Paddocks, Williamstown Road, Grantstown, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2360345
Applicant(s)	Marina Quarter Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Angela Phelan Brian and Margaret Tynan
Observer(s)	None
Date of Site Inspection	22 nd of August 2024
Inspector	Angela Brereton

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Appendix A – EIA Screening Determination

Appendix B – AA Screening – Stage 1

Appropriate Assessment – Stage 2

1.0 Site Location and Description

- 1.1. The subject site (stated area of 5.31ha) is accessed via The Paddocks distributor road off the Williamstown Road (L1023), in a suburban area approximately 4 km to the southeast of Waterford City Centre. The site forms part of an unfinished housing estate that commenced approximately 15 years ago known as 'The Paddocks'. This area comprises a mix of former farmland and construction site compounds and is accessed from the Williamstown Road to the south.
- 1.2. The majority of the site is located on the western side of 'The Paddocks' central primary road. The lands on the opposite side of the road to the east are currently under development construction. This central access road serves the lands to the north which have been developed for residential as part of The Paddocks.
- 1.3. There are trees and hedgerows along the site boundaries. The site is undulating and is difficult to access due to the terrain, and dense vegetation. There are trees and hedgerows scattered therein. While there is some limited access from The Paddocks road, there are no defined access gates into this section of the development area.
- 1.4. The defining character of the majority of the site is its sloping nature, downwards from the Williamstown Road to the south. Also, the width of the main access distributor road and a number of mature trees and hedgerows. There is a significant level difference between the site, which appears to be undulating and on a higher level than the constructed 'Paddocks' residential development to the north.
- 1.5. The site is surrounded by residential lands. The eastern and northern portion of the site abuts 'The Paddocks' road and the residential development to the north. The western portion is bound by the existing residential in, 'Grantstown Village' to the west and 'Williamstown Village' to the southwest.
- 1.6. The Appellants property is within 'Williamstown Village' estate to the southwest of the subject site. Nos. 22 and 23 are two storey detached properties located on either side of the cul-de-sac which adjoin the site. These properties are on a higher level than the subject site. They have side windows facing. There is a dense hedgerow along this part of the southern site boundary, some of which is located within the appellants property.

2.0 Proposed Development

2.1. Permission is sought for Phase 4A of a residential development at 'The Paddocks' Williamstown Road, Grantstown, Co. Waterford. This is to comprise the following:

- 79no. units, a creche, 1no. ESB substation and all associated site development works including access, footpaths, cycle paths, parking, drainage, landscaping, lighting, bin stores and amenity areas.
- The proposed development forms part of a Masterplan which will provide for 305no. units and 1no. creche and seeks to modify parts of the previously permitted Phase 1 (ref.no. 21/833 & 23/60056) and Phase 2 (ref.no. 22/653) and supersede Phase 3 (ref. no. 22/466).
- The proposed modifications to Phases 1 and 2 include alterations to the site layout to the west of the primary access road that will replace all elements of the permitted layout including the creche and residential units. This will result in a total of 133no. units to the east of the primary access road being constructed under the Phase 1 and Phase 2 permission. The proposed modification to the site layout plan also includes amendments to the internal layout of the permitted public open space.
- The proposed development works include the construction of a new storm water sewer on the Dunmore Road which is associated with the Island View pumping station. Access to the site will be via the existing entrance onto Williamstown Road to the south of the site.

2.2. The Breakdown of residential mix as provided on the application form provides for 58no. 2 bed houses and 21no. 3 bed houses i.e 79no. units in total and a creche to provide for a 60no. childcare facility. A total of 129 car parking spaces are also to be provided.

2.3. Documentation submitted with the file includes the following:

- A Natura Impact Statement (NIS) – Katherine Kelleher Ecology Services.
- Environmental Impact Assessment Screening Report – McCutcheon Halley.
- Planning Report – ditto.

- A letter from Glenveagh Homes, giving their consent as owner of the site, to the developer, to make the application.
- Architecture Design Statement - Deady Gahan Architects
- Statement of Housing Mix – ditto.
- An Ecological Impact Assessment – Kelleher Ecology Services Ltd.
- Proposed Construction Management Plan in relation to the proposed new storm water drainage line – Dunmore Road to River Suir Outfall.
- A Traffic and Transport Impact Assessment – RoadPlan Consulting.
- A Stage 1 Quality Audit – ditto.
- Mobility Management Plan – ditto.
- Construction Environmental and Waste Management Plan – AKM Engineers.
- Stage 1 Site Specific Flood Risk Assessment – ditto.
- Engineering Infrastructure Report - ditto.
- Outdoor Lighting Report Phase 4A – Lighting Reality.
- Childcare Demand Report - McCutcheon Halley.

2.4. Planning Authority Decision

2.5. Decision

On the 26th of September 2023 Waterford County Council granted permission for the proposed development subject to 26no. conditions. These conditions in summary include regard to design and layout, infrastructural issues relative to roads and drainage, development contributions, construction, environment and waste management, restriction on occupation of units - Section 47 of the Planning and Development Act 2000 (as amended) and archaeology.

Of note, Condition no.2 is as follows:

(a) All mitigation measures contained in the Natura Impact Statement submitted on the 4th of August 2023 shall be implemented in full.

(b) All mitigation measures detailed in Section 5 of the Ecological Impact Assessment (EclA) shall be implemented.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

2.6. Planning Authority Reports

2.6.1. Planning Reports

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

- They note the lands are zoned 'New Residential' in the Waterford City and County Development Plan 2022-2028.
- They have regard to the planning history noting that the site formed part of a larger site that was the subject of an SHD application case: Ref. TA93. 303630 refers, which was subsequently refused by the Board. They note permissions granted by the Council for Phases 1, 2 and 3 of the development.
- The 'Masterplan' for the development of the overall site has been amended for the final section of the landholding (i.e. Phase 4A and 4B) from that which was originally shown.
- The density of the development accords (lower end) with the standards contained in the development and national guidelines, in relation to LRD, the approach taken in relation to the phasing of the development does not conflict with LRD legislation.
- An EIAR Screening report accompanies this application which states that the subject site does not fall within the scope of a mandatory EIAR and a sub-threshold screening is undertaken against the criteria outlined in Schedule 7 of the Planning and Development Regulations 2001, as amended and that it was concluded that an EIAR was not required.
- That a Stage 2 NIS was carried out and reviewed by the Council's Heritage Officer and it was considered that with the implementation of the mitigation

measures specified in Section 4.2 that there are no significant effects on the designated sites.

- They have regard to the design and layout and to the proposed childcare facility. They provide that the proposed density and housing mix and childcare facility accords with Development Plan policy.
- They provide that public and private open space for the residential development complies with standards.
- The access to the site is via the existing estate road serving 'The Paddocks'. They have regard to the TIA and DMURS Statement of Consistency submitted.
- They note that a letter has been submitted from Waterford City & County Council which consents to making the application in reference to the lands owned by them.

Conclusion

They provide that the submissions/observations have been taken into consideration in the assessment of the development. That having regard to the site location, zoning and policies and objectives in the Waterford City & County Development Plan 2022-2028, the National Planning Framework, Rebuilding Ireland Action Plan, 'The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages)', Department of Environment, Heritage and Local Government, May 2009, DMURS and comments/observations of internal departments of Waterford City & County Council, they consider that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area. They recommended permission subject to conditions.

2.7. Other Technical Reports

Roads and Transportation

They refer to issues regarding retaining walls, raised tables, pedestrian crossing, accessibility and street lighting and provide recommendations.

Heritage Officer

They provide an assessment of the proposal and note that there will be a loss of a number of trees and hedgerows to facilitate the proposed development. That in the short term there will be a permanent loss of wildlife corridor and connectivity. They recommend that the mitigation measures in Section 5 of the EclA be included.

Environment Section

They provide that they have no objection to the proposed development subject to recommended conditions. They also note that this application was reviewed in conjunction with the application 2360349, which was subject to an EIAR. They refer to Chapter 7 – Air Quality, Chapter 8 – Climate Change, Chapter 9 – Noise and Vibration and recommend conditions. Other conditions include relative to The Construction, Environmental and Waste Management Plan, and to construction works relative to drainage and earthworks.

2.8. Prescribed Bodies

Department of Housing, Local Government and Heritage

They recommend that provision should be made for the implementation of appropriate mitigation measures to ensure the protection of archaeological heritage. They recommend pre-development archaeological testing and archaeological conditions.

Waterford Regional Airport

They are concerned that crane activity on the site may give rise to safety concerns given the location of the development is 2.6 nautical miles on final approach for the prevailing runway at Waterford Airport. That a safety assessment needs to be done in the event the developer intends to use cranes on this site for construction works.

2.9. Third Party Observations

Submissions from local residents including the subsequent third party appellants include the following concerns:

- Reference to the planning history, cumulative impact of the phases of development and need for completion works.
- The proposed density of development is too high.
- The private open Space of units 28-41 is unfit for purpose.
- Potential structural impact on no. 23 Williamstown Village, which adjoins the southern part of the site.
- Technical specifications and rationale for design of proposed retaining wall.
- Proposed boundary treatment and buffer relative to nos. 22 and 23 Williamstown Village.
- Lack of clarity on drawings.
- Lack of facilities and social infrastructure including school places in the area.
- Inadequate road infrastructure in the area for the volume of traffic, that does not take into account all the phases in the Paddocks development.
- Traffic assessment fails to adequately assess the cumulative impact of this overall high-density development (total 4 phases) on the local road network and junctions.

3.0 Planning History

The Planner's Report has regard to the Planning History of the site and surrounding area. The more recent applications are noted below:

Strategic Housing Development (SHD)

- Ref. TA93.303630 – Permission refused by the Board for the construction of 324 no. residential units (228no. houses and 96no. apartments), creche and associated site works. This was on a site adjacent to The Paddocks, Williamstown Road, Grantstown, Waterford. This related in part to the subject site on a larger site area of 10.12ha on the Williamstown Road. The Board refused permission for the following reasons:
 1. The proposed development, by reason of its form and layout and its predominance of three and four bedroomed houses, would be contrary

to the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May 2009. It is considered that the development as proposed results in a poor design concept, lacks variety and distinctiveness, fails to establish a sense of place, and includes a poor quality of architectural design that does not respond appropriately to the topography of the site. Furthermore, the development does not provide sufficient high quality usable open spaces and fails to facilitate adequate and appropriate passive surveillance of green spaces and pedestrian routes. The development also fails to adequately consider the use of Sustainable Drainage Systems (SuDS) through the provision of green infrastructure proposals. The proposed development would, therefore, be contrary to these Ministerial Guidelines which promote innovative and qualitative design solutions, would seriously injure the residential amenities of future occupants and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the Environmental Impact Assessment Report, together with the documentation submitted with the application, does not identify or describe adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is not satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU, particularly with regard to soil, traffic, noise and landscape and visual impact.

As noted in the documentation submitted, the following applications relate to permissions granted relative to the phased residential development at 'The Paddocks' Williamstown Road, Grantstown, Waterford. It is noted that some of these houses have been and are being constructed on the eastern and northern side of The Paddocks primary road.

Phase 1

- Reg.Ref.21/833 – PL93.312971 – Planning Permission was granted by the Council for Phase 1 of a residential development consisting of the construction of 99 residential units, childcare facility, 2 ESB substations and all ancillary development works. A Natura Impact Statement (NIS) was submitted to the Planning Authority with the planning application. This was subsequently appealed to the Board, and the appeal was declared to be invalid.
- Reg. Ref. 23/60056 – Permission granted subject to conditions for the construction of 14no. residential units, 1no. ESB substation and all associated site development and landscaping works including boundary fencing. The proposed development results in modifications to the Phase 1 residential scheme permitted by Waterford City and County Council Ref. no. 21/833. The alterations reduce the total number of residential units for Phase 1 from 99 to 89 units.

Phase 2

- Reg.Ref. 22/653 – Permission granted subject to conditions by the Council for Phase 2 of a residential development consisting of the construction of 99 no. residential units and all ancillary development works, including access, footpaths, cycle paths, parking, drainage, landscaping, lighting and amenity areas. The proposed development is to allow for the laying of roads and services for all of Phase 1 and Phase 2 located to the east and west of the existing access road. Development works are to include a connection to and the construction of a new storm water sewer on the Dunmore Road which is associated with Island View pumping station. Access to the site to be via the existing entrance onto Williamstown Road to the south of the site. An NIS has been submitted.

Phase 3

- Reg.Ref. 22/466 – Permission granted subject to conditions by the Council for Phase 3 of a residential development consisting of the construction of 14no. residential units, 1no. childcare facility, 1no. ESB substation and all ancillary development works including access, footpaths, cycle paths, parking,

drainage, landscaping, lighting and amenity areas. The proposed development works to include a connection to a new storm water sewer on the Dunmore Road onto Williamstown Road to the south of the site. An NIS has been submitted.

Phase 4

- Reg.Ref. 23/60349 – Permission granted subject to conditions by the Council for Phase 4B of a residential development consisting of 93no. units, 2 no. ESB substations and all associated site development works including access, footpaths, cycle paths, parking, drainage, landscaping, lighting, bin stores and amenity areas. The proposed development forms part of a Masterplan which will provide for 305no. units and 1no. creche and seeks to modify parts of the previously permitted Phase 1 (ref. no. 21/833 & 23/60056) and Phase 2 (ref. no. 22/653) and supersede Phase 3 (ref.no. 22/466). The proposed modifications to Phase 1 & 2 include alterations to the site layout to the west of the primary access road that will replace all elements of the permitted layout including the creche and residential units. This will result in a total of 133 no. units to the east of the primary access road being constructed under Phase 1 and 2 permissions. The proposed modifications to the site layout plan also include amendments to the internal layout of the permitted public open space. The proposed development works include the construction of a new storm water sewer on the Dunmore Road which is associated with Island View pumping station. An EIAR and an NIS have been submitted with this application.

This application was not subject to an appeal to An Bord Pleanála. It is of note that the current application concerns the adjoining Phase 4A and relates to the subject site. Details provide that the subject application was submitted concurrently with Phase 4B.

A copy of the Council's permission is included in the Appendix.

4.0 Policy Context

4.1. Relevant Government Policy/Guidelines

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy (RSES)
- Climate Action Plan 2024
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Design Manual for Urban Roads and Streets, (2019)
- Traffic and Transport Assessment Guidelines (2014)
- Development Management, Guidelines for Planning Authorities (2007)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Development Management Guidelines for Planning Authorities (2007).

Other relevant national guidelines include:

- Housing for All - a New Housing Plan for Ireland (September 2021)
- 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).
- Guidelines on the information to be Contained in Environmental Impact Statements (EPA), May 2022.

- EIA Guidance for Consent Authorities Regarding Sub-threshold Development (DoELG 2003).
- EIA of Projects Guidance on Screening (EU, 2017).

4.2. 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 proposed site is shown within ‘Residential Lands Phase 1’.

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.

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 to 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 Policy Objectives H01-H04 relate to the facilitating the promotion of sustainable and liveable compact urban growth.

H02: *In granting planning permission, we will ensure new residential development:*

- *Is appropriate in terms of type, character, scale, form and density to that location.*
- *Is serviceable by appropriate supporting social, economic and physical infrastructure.*
- *Is serviceable by public transport and sustainable modes such as walking and cycling.*
- *Is integrated and connected to the surrounding area in which it is located;*
and,

- *Is designed in accordance with the applicable guidance and standards of the time .. (a list of such is included).*

Section 7.6 refers to Housing Type & Tenure Mix. Policy Objective 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 – Maps

As shown on the Land Use Zoning Map the site is within the R1 – 'New Residential' land use zoning.

The surrounding lands (outside of The Paddocks phased development site) are zoned RS – 'Existing Residential with the land to the northeast (not adjoining the subject site) zoned OS- Open Space and Recreation.

Williamstown Road includes a Transport Objective: 'Proposed Active Travel/Public Transport'.

Volume 3 Appendix 17: Tiered Approach to Zoning.

Appendix 17: Tiered Approach to Zoning. This includes regard to Waterford City. It 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 site is within Residential Lands Phase 1 - land parcel no.21 – Grantstown (Paddocks) total area 9.38 ha- the subject site is to be taken off this. Table 3 provides the Planning Assessment Criteria. Table 4A refers – Site Specific Infrastructure Assessment - Phase 1.

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 lifetime 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.*

4.3. Natural Heritage Designations

The Lower River Suir SAC, is located approx. 1.2kms 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.

5.0 The Appeal

5.1. Grounds of Appeal

Third Party Appeals have been submitted by the following local residents:

- Angela Phelan no.23 Williamstown Village
- Brian and Margaret Tynan, no.22 Williamstown Village.

Williamstown Village is an existing residential area to the southwest of the site. Reference is had to the submissions made and their Grounds of Appeal are for convenience considered together below and include the following:

Concerns about Conditions

- Angela Phelan has concerns/objections relative to condition nos. 1, 9, 20 and 22 of the Council's permission.
- Brian and Margaret Tynan have concerns about Condition nos. 1, 6 and 20

Note it is not specifically stated that this is an appeal against conditions only and regard is had to the design and layout and cumulative impact.

Condition no.1

- They highlight a number of concerns about the proposed design and layout and the plans and particulars submitted, including that there is a lack of clarity relative to the impact of the proposed development on their properties.
- The type of dwellings proposed in this development are in conflict with the Waterford City and County Development Plan – General housing policy Objective H02.
- An alternative would be to replace the 3 blocks of terraced units 28-41 with a number of detached/semidetached bungalows. This would improve the mix of housing units.
- This was done in Williamstown Village development (ref. 00500052) where two storey dwellings were replaced by bungalows (attachment 1 refers). This change protected the privacy and private amenity space of proximate properties in Grantstown Village.
- No 22 Williamstown Village submits that their house is consistently misrepresented in the plans submitted. That their extension and side windows have not been properly shown. That the house type on site 28 - will have a line of sight into their main living room.

- Some of these dwellings should be omitted, or the design changed so as not to negatively impact the residential amenity of the third party properties.
- The cumulative impact of the development Phase 4A along with Phases 1,2,3, 4B and the other separate developments in the Area at Ballygunner and Williamstown road, totalling an additional 665 plus dwellings would have a negative impact on the surroundings area.
- The planned scale of development for Phase 4A, and phases 1,2,3,4B are entirely inappropriate with the surrounding developments and the precedent set by types of housing in the area.
- There is already a deficit in the General Local Area infrastructure and this would need to be improved to support Phase 4A (i.e the subject development).
- Completion of the Williamstown Road alignment and improvement works are awaited and they refer to road works awaited for phase 1 of the development. Also, completion of phase 2 of the development and note road works, footpaths, cycle lanes etc still to be resolved.
- Density levels are not in keeping with neighbourhood developments. This is part of the overall larger development site through further phases 1,2,3 & 4b - total 307 residential units. The proposed density is inappropriate and should be in character with that of surrounding development (20/21 units per ha).

Condition no.6

- Concern that the site stability or stability of the ground and/or properties in the vicinity of the site will not be negatively impacted during construction of the development permitted.
- Protection of the existing boundary of no.22 Williamstown Village. Also, regarding potential slippage of the site and subsequent subsidence.
- Allocating site 28 as a shared surface or landscape area would significantly ease their previous concerns about the extent of disturbance of land adjacent to their elevated plot.

Condition no.9

- Reference is made to this roads layout condition and the appellant submits that in addition a small junction roundabout at the entrance to The Paddocks and the Williamstown Road should be considered, as up to 800+ cars could be exiting the Paddocks when the overall development is completed (attachment 4).

Condition 20

- They consider that this condition relative to all proposed bathroom windows being obscure glazed it should be applied to all first-floor rear windows of units 33 to 39 as all these windows look directly into the appellants living areas and residential private amenity spaces.
- This requirement needs to be considered if there is no change to units 33 – 39 (Phase 4A). It is in the interests of privacy and amenity of occupiers of adjacent houses and to any to the rear of units 33-39 (Phase 4A).
- No.22 Williamstown Village provides that if site no.28 is allocated to the adjoining shared surface or landscape area or alternatively planned as a bungalow it would have less of an impact on their property.
- They ask that an amendment to the original design can be considered.

Condition no. 22

- This relates to boundary treatments proposed. They are concerned about potential slippage of their site and subsequent subsidence due to site clearance and rock breaking activities from the proposed works.
- There is a difference in ground levels between no. 23 Williamstown Village and the proposed development site of up to 3 - 5m. Existing and proposed cross sections of ground levels have not been included.
- This area used to be called Quarry Field due to the rocky nature of this part of the development site.
- There does not appear to be a site investigation report submitted with the current application. Testing should be carried out on the development site adjacent to no.23 Williamstown Village, to fully assess the impact.

- Site investigations, site cross sectional view drawings were not done through No. 23 Williamstown Village and unit 37 (phase 4A). They query how permission can be given without such drawings and information to ascertain the impact on no.23 (attachment 3).

Landscape Strategy Report

- Reference to the hedgerow along the boundary of their property no. 23 Williamstown Village. Trees and hedgerows along their site boundary with the subject site, will need to be protected during any construction development.
- They have not given permission to the developer to remove/replace or in any way interfere with any tree or hedgerow along their property boundary. There should be no construction or development within the RPA and trip line of their trees (7.5m).
- They refer to the existing block wall at the end of the road between nos. 23 and 22 Williamstown Village. The wall and all trees should be retained and not damaged during construction works.
- The developer should be conditioned to plant additional boundary screening where required to enhance the boundary treatment of the site.
- The developer should provide/erect a 1.8m concrete post and timber panel fence inside the existing hedgerow boundary within the development site and to the rear of site/units 28-41 inclusive.
- This is in the interest of the protection of amenities, the environment and public safety and for the proper planning and development of the area.

Conclusion

The Board is urged to fully recognise the third party concerns and the impact this housing development would have on nos.22 and 23 Williamstown Village and to rule on or amend the planning permission granted. This should be in line with the amendments/changes to the original application.

5.2. Applicant Response

McCutcheon Halley, Chartered Planning Consultants, response on behalf of the First Party to the grounds of appeal includes the following:

- The proposed development as permitted by the Council forms part of a high quality housing scheme that has been sensitively integrated into the subject site connecting to other permitted phases of The Paddocks residential masterplan development.
- The final decision underlines that all identified issues have been addressed in which due process has been followed.
- The lands are within the '*R1*' – *New Residential* zoning and allows for the completion of The Paddocks residential estate which is in accordance with National and Local Planning Policy and Guidelines.
- The proposed development would provide an increase in the supply of housing on undeveloped lands and allow an unfinished housing estate to be completed.
- They ask the Board to uphold the Council's decision to grant permission for the lands zoned residential development. The serviced lands are located in the metropolitan area of Waterford City and would support the national regional and local planning policy objectives.

Residential Amenity – Privacy/Overlooking

- The development proposed to maintain the existing site boundary in order to maximise the retention of trees and hedgerows to provide a natural screen buffer and visual screen to the adjoining property.
- They refer to site level differences, with the appellants properties being on a higher level and to Sections to show that overlooking will not be an issue. Noting the level difference between the proposed development and the adjoining property and refers to the higher FFLs of the appellants site.
- That this site level difference verifies the development would not result in overlooking of neighbouring properties (Figure 1 Section B-B refers).

- Also, to the erection of a concrete post and panel fence along the southern site boundary, which in addition to the retention of existing hedgerows will provide screening.
- They note that the Planner's Report evaluated the relationship between the dwellings along the southern boundary and the existing dwellings in Williamstown and concluded that these would not be adversely affected.
- The proposed scheme formed part of an overall masterplan and part of a permitted development for other phases now permitted of this residential development. It has resulted in a cohesive and well-designed scheme.
- The Big Landscape Architect illustrated the retention and management of existing vegetation along the boundary to maintain residential amenity and maximise privacy of rear gardens (Figure 2 relates).
- The existing and proposed development in The Paddocks will allow for a range of 1, 2 and 3 storey units and wide array of house types.
- The difference in levels and design of the proposed scheme will mean that there will not be any negative impact on existing dwellings.
- They note that a Site Investigation Report was included as part of the documents submitted with the planning application.
- The details submitted with the application highlight the consideration to respond to the sites topography and minimise cut/fill on the site.
- The transitioning of site levels has been addressed through areas of public open space which have increased the usability and pedestrian permeability.
- They consider that the Third Party concerns have been addressed during the course of the planning application in the details submitted.

Density and Design of the Proposed Scheme

- The proposed density corresponds with the prevailing residential character of the area and the permitted Phases 1,2,3 and 4B of The Paddocks development. The proposed development of 79 units proposes to make more efficient use of the site with a density which complies with national, regional and local planning policy.

- The note the choice of external finishes into the design scheme to integrate with architecture locally whilst providing a distinctiveness to the residential scheme.
- They refer to the Statement of Housing Mix submitted, which provides further justification of the high demand of residential unit types and sizes within Grantstown. That it also complies with the Housing Strategy and planning policy in the WCCDP 2022-2028 (Policy Objective H17 relates)
- The suggestion of lower density units to replace the 3 blocks of terraced units 28-41 with a number of semi-detached/detached bungalows would not be in accordance with National, Regional and Local Planning policy.

Boundary Treatments

- They refer to The Big Space Landscape Architect landscaping plan and the Ecological Impact Assessment Report which outline the assessment of the existing hedgerows and proposes mitigation measures.
- These indicate a strategy to maintain much of the existing vegetation along the boundary.
- They also have regard to the Heritage Officer comments regarding landscaping and boundary treatment proposals.
- The Planning Report commented that this boundary treatment allowed for existing screening to be retained.

Infrastructure

- They provide that the proposed development is in compliance with General Housing Policy Objective H02 and refer to Section 2 of the Design Statement submitted. They note linkages and public transport, which they provide aligns with this policy.
- They have reviewed the Engineers Report and note that all documents submitted with the application and third party submissions were considered before providing determination on the application.
- All comments regarding the development were provided and applied to the conditions of the notification of grant issued by the Council.

Conclusion

- They ask the Board to grant permission to provide a much needed development within Grantstown Waterford which will allow for the completion of an unfinished housing estate.
- They submit that all matters raised by the appellants have been comprehensively addressed.
- All information and documentation submitted to WCCC were to a very high standard by competent professionals. The proposal is in accordance with planning policy and with the proper planning and sustainable development of the area.

5.3. Planning Authority Response

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

5.4. Observations

None noted on file.

6.0 Screening

6.1. Environmental Impact Assessment

- 6.1.1. Section 172 of the Planning and Development Act 2000 (as amended) requires environmental impact assessment of classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended) where the development would equal or exceed the stated threshold or is sub-threshold but likely to give have a significant effect on the environment.
- 6.1.2. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

6.1.3. 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.

6.1.4. Item (15) (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

6.1.5. This proposal is for in summary the construction of 79 residential units, a creche and all associated infrastructure and works on a site with a stated area of 5.31ha. Therefore, the development falls 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.

6.1.6. However, in this case regard is had to the planning history and to cumulative impacts, noting that the proposed development on this site forms Phase 4A of greater residential development of, The Paddocks (305 residential units in total), within the residentially zoned and serviced lands. It is noted that some of the applications for different phases of the development, including Phase 4B have included separate EIARs.

Sub-threshold Development

6.1.7. In cases where a project is mentioned in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is classed as ‘sub-threshold development’, planning authorities are required under article 103 of the 2001 Regulations to request an EIAR where it considers that the proposed development is likely to have significant environmental effects. This decision must be taken with

reference to the criteria set out in Schedule 7 and Schedule 7A of the 2001 Regulations.

- 6.1.8. An Environmental Impact Assessment Screening Report has been submitted with the subject application. The purpose of this report is to provide the required information to enable the competent authority, to determine whether an Environmental Impact Assessment Report (EIAR) is required or not as specified in schedule 7A of the Planning and development Regulations 2001 in respect of the proposed development. Where a project is of a specified type but does not meet, or exceed, the applicable threshold then the likelihood of the 'sub threshold' project having significant effects (adverse and beneficial) on the environment needs to be considered.

Assessment of the development under the criteria set out in Schedule 7 and 7A of the Regulations

- 6.1.9. Schedule 7 lists the criteria for determining whether a development would or would not be likely to have significant on the environment under the following headings:
- Characteristics of proposed development
 - Location of proposed development
 - Types and characteristics of potential impacts
- 6.1.10. Section 2.3 of the EIAR Screening Report refers to Sub-threshold development and to additional information to be taken into account relative to Article 4(4) of 2014/52/EU which introduces a new Annex 11A to be used in the case of a screening determination and the list of the criteria is provided. The Directive also amends Annex III 'Selection Criteria referred to in Article 4(3)'. These are listed and are relevant to the details to be provided under the headings in Schedule 7.
- 6.1.11. The EIA Screening Report submitted, includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (79no. dwelling units) and concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

6.1.12. I have completed an EIA screening determination as set out in Appendix A of this report. I am satisfied that sufficient information is available to reach a conclusion in regard to screening for Environmental Impact Assessment including the submissions by the applicant, the submission of prescribed bodies and third-party observations. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not be likely to have significant effects on the environment.

6.1.13. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

6.2. Appropriate Assessment

6.2.1. Consideration of the Likely Significant Effects on a European Site Article 6(3) of the Habitats Directive. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB are considered fully in this section. The areas addressed in this section are as follows:

- The Natura Impact Statement
- Screening for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site.
- The Natura Impact Statement and Supplemental Information

6.2.2. The application is accompanied by an AA Screening report and an NIS which describes the proposed development, the project area and the surrounding area. A

Construction Management Plan is also a key document in terms of the implementation of mitigation measures.

- 6.2.3. All Ecology and Appropriate Assessment related documents have been prepared by Kelleher Ecology Services Ltd, Croft Ecology, Environmental Consultant and informed by desk study including reference material from the NPWS website and data base and by field surveys. The application is also accompanied by an Ecological Impact Assessment Screening Report and an Infrastructure Report which includes regard to Drainage and a Ground Investigations Report.
- 6.2.4. A description of the Project is given in Section 2.2 of the NIS. Figure 2.1 shows the study site location in the context of the Natura Sites. The closest being the Lower River Suir SAC with the River Barrow & River Nore SAC further downstream.
- 6.2.5. The study site is located within the Suir Catchment, Hydrometric Area 16 in the South-Eastern River Basin District. There are no watercourses at or near the residential area of the study site. The nearest watercourses to the residential area involve three unnamed streams approximately 250-600m from the study site boundary; all of which are tributaries of the River Suir, the relevant section of which is also designated as the Lower River Suir SAC with the River Barrow & River Nore SAC further downstream.
- 6.2.6. Environmental inputs associated with the proposed development will include surface-water run-off, waste-water and other wastes; however, these inputs will be controlled/managed. The new stormwater sewer will intercept the existing public sewer network to direct stormwater into an existing 900mm combined outfall that discharges into the River Suir at King's Channel; this outfall discharge point is located within the Lower River Suir SAC. Foul water drainage is to the existing Waterford Wastewater Treatment Plant (WWTP) via the public sewer Waterford City network.
- 6.2.7. It is important to note at this juncture that the proposed scheme does not overlap with any European site. The nearest European Site to the Proposed Scheme is the Lower River Suir SAC, located c.42m north of the Proposed Scheme. The River Barrow and River Nore SAC is located c. 4.5km distance from the site.
- 6.2.8. The scientific assessment to inform AA is presented in sections 3 - 4 of the NIS and in the documentation submitted to the Board as part of the application. The

conservation objectives of the various qualifying interest features and special conservation interest species are listed. Impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity are presented.

- 6.2.9. Mitigation measures are presented from section 4.2 of the NIS onwards under each site heading and detailed in full in section 4 of the Construction Environmental Waste Management Plan (CEWMP). An assessment of potential in-combination effects is presented in Section 4.1.3 of the NIS.
- 6.2.10. The NIS together with supplemental information concludes that, following an examination, analysis and evaluation of the relevant information, including the nature of the predicted effects from the proposed development, and mitigation measures to avoid such effects, that the proposed development will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

Adequacy of information submitted by the applicant

- 6.2.11. Having reviewed the NIS and supplemental information that accompanies the application, I am satisfied that there is adequate information to undertake Screening and Appropriate Assessment of the proposed development on lands at The Paddocks, Williamstown Road, Grantstown, within the administrative area of Waterford City and County Council. I am satisfied that all possible European Sites that could in anyway be affected have been considered by the applicant.
- 6.2.12. I am satisfied that all ecological survey work and reporting has been undertaken and prepared by competent experts in line with best practice and scientific methods. Information on the competencies and professional memberships of the Ecological team are provided in the NIS. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document. I would refer to Appendix B where I carry out screening for Appropriate Assessment and subsequently a Stage 2 Appropriate Assessment.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant national/regional/local policies and guidelines, I consider the substantive issues in this appeal to be considered are as follows:

- Planning Policy and Context
- Planning History and Rationale
- Density, Design and Layout
- Landscape and Open Space
- Impact on the Residential Character and Amenities of the Area
- Impact on Social Infrastructure
- Construction Management
- Access and Traffic
- Permeability and Parking
- Drainage issues
- Archaeology
- Ecology

7.2. Planning Policy and Context

7.2.1. Project Ireland 2040: National Planning Framework (NPF) is concerned with securing compact and sustainable growth. Objective 4 seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.* Of particular relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

- 7.2.2. The Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES) notes the strategic importance of Waterford Metropolitan area as well as its role as a centre of employment and economic activity within the area, noting its connectivity including rail and strategic road network. 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. Objective RPO17 seeks to encourage Compact Growth including in Cities and Metropolitan Areas. This includes: a) *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.*
- 7.2.3. In addition, regard is had to the more recent 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)', and to the amendments to the SPPRs therein as relevant to the subject application. These Guidelines replace the 'Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities' issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked). There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.
- 7.2.4. The Waterford City and County Development Plan 2022-2028 notes the key growth areas of the City and its Environs. As shown on the Waterford City Core Strategy Map, the site is located in the Waterford Metropolitan Area. The Core Strategy has regard to the sequential approach to development. 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. It is of note that the proposed site is shown within 'Residential Lands Phase 1'.
- 7.2.5. As shown on the Land Use Zoning Map the site is within the R1 – 'New Residential' land use zoning. The Objective seeks: *To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.* Therefore, the principle of residential development on these lands is in accordance with the residential zoning.

- 7.2.6. The First Party provide that the proposal allows for the completion of The Paddocks residential estate which they submit, is a compact residential development on Phase 1 zoned lands and is in accordance with National and Local Planning Policy and Guidelines. The proposed scheme forms part of an overall masterplan area and note is had of development permitted for other phases of this residential development. Regard is had to the Planning History, and they note that it forms Phase 4A of The Paddocks development, and that Phases 1,2,3 and 4B have already been permitted (some modifications have been proposed to the earlier phases). Some of these units have been constructed and some phases are currently under construction. They are connected via the primary road, 'The Paddocks' from the Williamstown Road.
- 7.2.7. This is currently a greenfield site, which appears as an infill site, parts of which are densely vegetated and includes trees and hedgerows along the southern site boundary. The Third Party Appellants reside proximate to the southwestern boundary of the site in Williamstown Village residential estate. As noted in their Grounds of Appeal, their concerns include the impact of the proposed development on their properties, issues of density, design and layout, loss of privacy, landscaping including need for retention of boundary hedgerows, traffic and transport and accessibility and impact on the residential character and amenities of the area.
- 7.2.8. It is noted that in summary the Third Parties have appealed Condition nos. 1, 6, 9, 20 and 22. However, I would note that this is not stated specifically to be an appeal against conditions and reference is had to density, design and layout and to the cumulative impact of the proposed development. I would consider that in view of the nature of these conditions, in particular Condition no.1 which relates to the permitted development being in accordance with the plans and particulars submitted, that it would be appropriate in this case to look at the proposed development 'de-novo', rather than as an appeal specifically against conditions.

7.3. Planning History and Rationale

- 7.3.1. The Planning Report submitted with the current application includes a summary of the Planning History. Noting, that Phase 4A will form part of and complete the unfinished housing estate known as 'The Paddocks'. The proposed development forms part of a Masterplan which will provide for 305 no. units and 1 no. creche and

seeks to modify parts of the previously permitted Phase 1 (ref. no. 21/833 & 23/60056) and Phase 2 (ref. no. 22/653) and supersede Phase 3 (ref. no 22/466). As referred to in the Planning History Section above, the concurrent planning application for 'Phase 4B' on the adjoining site to the west, has now been permitted by the Council and has not been the subject of an appeal. This comprised of 93no. residential units and was accompanied by an EIAR and an NIS. It is submitted that together Phases 4A and 4B complete the existing and permitted housing estate known as 'The Paddocks'.

7.3.2. As noted in Section 3.2 of the EIA Screening Report Phase 4A is located to the west of the existing access road into the 'Paddocks' estate. It is provided that the proposed Phase 4A development comprising of 79 no. units and a creche will result in the following alterations to the previously permitted Phases of development:

- Phase 1 (21/833 & 23/60056) 89 no. of units will be constructed as permitted. The permitted creche will be replaced with new design. The new design maintains the 60 no. childcare places previously permitted as part of Phase 1.
- Phase 2 (22/653): 44 of the 99 units permitted will be constructed under this permission. All units permitted to the west of the central access road will be omitted.
- Phase 3 (22/466): No development will be undertaken under this permission. This phase is completely superseded by Phase 4A.

7.3.3. To clarify, the subject application relates to Phase 4A only and planning applications for Phase 1 (21/833 & 23/60056) and Phase 2 (22/653) have already been permitted by Waterford City and County Council. The total site area for Phase 4 is given as 5.31ha which includes the construction of a new storm water sewer on the Dunmore Road (also permitted as part of Phase 1 and 2), the internal access, internal roads and open spaces. Reference to the Project Description, notes that excluding these areas, the site area for Phase 4A has a net area of 2.26ha.

7.3.4. The proposed modifications to the Site Layout Plan include amendments to the internal layout of the permitted public open space. The Planning Report provides details of the changes to the applications originally submitted. This includes that the proposal will improve site levels and reduce cut and fill to allow for the topography of

the site, provide for improved linkages and a better integration of Phases 4A and 4B of The Paddocks development.

- 7.3.5. In summary, having regard to the Planning History, the Architects have prepared an updated masterplan layout which will result in modifications to part of the permitted Phase 1 residential scheme (Ref: 21/833) and Phase 2 (Ref: 22/653). That the purpose of this application is to provide an updated approach for the completion of The Paddocks development.
- 7.3.6. The scheme will be developed on a phased basis which will encompass the following phases:
- The permitted Phase 1 and modifications to Phase 1 (Ref: 23/60056) will comprise of 89 no. units;
 - The permitted Phase 2 (Ref: 22/653) will comprise of 44 no. units;
 - The proposed Phase 4A will comprise of 79 no. units and creche; and
 - The proposed Phase 4B will consist of 93 no units.
- 7.3.7. That the updated design approach to the final two phases of the development i.e Phases 4A and 4B, within the masterplan area is to reflect the site's topography, address the shared boundaries with existing residential development and provide for improved house typology. They submit that this demonstrates a planning and design approach that is coherent with features that align with WCCDP 2022-2028, and National Guidance. That each phase of development will provide for much needed additional residential units and can be delivered independently of other permitted phases of development. However, I would note the crossover of services and linkages between the various phases of development. Also, that the design and layout appear to be linked to and a similar concept to that permitted in Phase 4B.

7.4. Density, Design and Layout

- 7.4.1. The proposed development for Phase 4A consists of the construction of 79 no. residential units, a creche and all ancillary site development works including access, footpaths, parking, cycle paths, drainage, landscaping and amenity areas. Vehicular access to the site will be via The Paddocks distributor road and the existing entrance at Williamstown Road. The proposed layout includes a 60 place creche (to serve the

overall development with access to The Paddocks primary access road) and public open space. The Site Plan shows the adjacent lands in the applicant's landholding in blue. This includes the now permitted Phase 4B which adjoins the site to the west. It is noted that the linear area of open space is shared within Phases 4A and B.

- 7.4.2. The subject application is accompanied by a Planning Report which describes the context and rationale, and an Architectural Design Statement. The latter refers to both Phases 4A (i.e. 79no. units and creche) and 4B (93no. units) i.e. 172 housing units in total. Noting that each phase being self-contained and has been applied for separately. Regard is also had to the Site Layout Plan which shows how the proposed development is to integrate with other permitted phases of The Paddocks residential development.
- 7.4.3. As provided in the documentation submitted it is of note having regard to the housing typography that the combined development of Phases 4A & 4B will consist of 172 residential units comprising:
- a) 152 houses, consisting of 107 no. two-bed units, 43 no. three-bed units and 2 no. four-bed units.
 - b) 20 maisonette units with 2 bedrooms.
- II. the provision of a childcare the facility
- III. Associated infrastructure, car & bicycle parking facilities and public open space.
- 7.4.4. It is submitted that the revised approach to the design of these two final phases of the development has resulted in a more sustainable approach to development which works more closely with the existing topography. The Architectural Design Statement refers to the creation of a tiered layout of terraced units stepping down the site, and the utilisation of the open spaces and private amenity spaces to reflect the topographical nature of the site. This is shown on the Sections submitted.

Density

- 7.4.5. The Planning Report submitted, refers to Density. Section 5.2 provides that the revised masterplan maintains the strategic approach to the completion of the housing estate with an overall net density of 34.6 units per hectare which complies

with the density requirement as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009. That given the 4km distance from the city centre and the receiving environment a density of between 30-35uph is considered to be appropriate. That the density of the entire masterplan area is 34.6uph. They note that the net density of the overall masterplan area is based on the development as permitted to the east of the primary access road (including the modifications to reduce the number of units in Phase 1) and the proposed development as detailed in Phase 4A and 4B applications. That since the first application was lodged for Phase 1 in 2021, the total number of units within the masterplan area has been reduced from 308 to 305 units.

- 7.4.6. Phase 4A and Phase 4B layout has been designed to complement the existing and permitted pattern of development and will also facilitate a sustainable approach to the completion of the housing estate while achieving a combined net density of 36.6 uph. That Phase 4A as a stand-alone application achieves a net density of 35 uph which the applicants consider to be acceptable and complies with the targets in the 2009 Guidelines.
- 7.4.7. This is reiterated in Section 1.1 of the Architectural Design Statement which provides that the proposed development will accommodate 172 no. residential units split into 2 no. Phases (i.e. Phase 4A consisting of 79 no. units and Phase 4B consisting of 93 no. units) and all associated site development works, with each phase being self-contained. Both sites will be accessed from the existing primary access road that connects the existing Paddocks development to the Williamstown Road.
- 7.4.8. Section 4.6 of the Architectural Design Statement provides the 'Developable Area Calculation' for Phases 4A and 4B is 4.7ha. They have excluded from this area the existing primary road that connects to the Williamstown Road to the existing development to the north and areas of dense boundary hedgerow. They note that the relative to both Phases A and B i.e. for 172 units, the density would be 36.6 units/ha. That both Phases 4A and 4B meet the density requirements separately and have been designed to be built independently of each other. In this respect it is noted that Section 3.2 of the EIA Screening Report submitted includes that the site area for Phase 4A has a net area of 2.26ha, which for 79no. units would result in a density of 35uph.

- 7.4.9. As has been noted in the Policy Section above the former Guidelines have now been replaced by the more recent 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', (2024). Section 3.3 refers to Settlements, Area Types and Density Ranges. Section 3.3.1 refers to Cities and Metropolitan (MASP) areas. Table 3.2 sets out density ranges including for Waterford City. Of relevance taking into consideration the suburban nature of the site: *It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).*
- 7.4.10. While the Appellants consider that the proposed density is too high and the proposed house types are not in character with that of existing housing in the area, I would note that the proposed density is just within the lower range for its suburban location as recommended by the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', (2024). Modifications of the proposed scheme to allow for bungalows, detached houses etc as suggested by the Third Parties would serve to lower the density to less than that recommended in these Compact Settlement Guidelines. The proposed density has been designed to compliment the permitted housing scheme in The Paddocks. The alternative would be to provide for a more compact scheme, in a different format layout, which is not the subject of the current application.

Residential

- 7.4.11. Section 7.6 Volume 1 of the WCCDP 2022-2028 identifies the need for a mix of house types to reflect the diverse housing needs of the existing and future population. This includes that the need for one and two bedroom properties. A breakdown of household sizes is provided in Table 7.1. Objective H17 relates. A Statement of Housing Mix has been submitted. Table 3.1 sets out the mix of housing types for Phase 4A and Table 3.2 the mix of housing types to be provided in the proposed masterplan area (305 unit) development.
- 7.4.12. The Schedule of Accommodation for the 79no. houses in Phase 4A has been included on the Proposed Site Plan. The floor areas of these 2 storey houses vary

from 101sq.m – 3 bedroom types F, F1 and F2 to type D ‘End Townhouse’ 3 bed 90sq.m and type E5, 2 bedroom ‘Mid Townhouse’ 73.5sq.m. It is proposed that the subject site provide 79 housing units in total i.e. 58no. 2bed houses (73.4%) and 21no. 3 bed units (36.6%). This is a higher percentage of 2 bed units than the housing mix recommended, however as noted on Table 3.2 of the Statement, the mix of units for the Masterplan area is more similar to the mix recommended in this section.

- 7.4.13. The Architectural Design Statement submits that there is a good mix of housing typologies within the overall masterplan area. The existing dwellings in the development as permitted consist of a range of large 1,2 and 3 storey semi-detached and townhouse units, with duplexes and apartments located further north and east of the subject site. Phases 4A and 4B will allow for more compact 2 and 3no. bedroom unit types in terraced blocks.
- 7.4.14. Where possible, homes in new residential developments are to be universally designed to the ‘Lifetime Homes’ standard set out in Quality Housing for Sustainable Communities (DEHLG, 2007). This includes regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. Regard is had to the Housing Quality Assessment submitted. The proposed dwellings would comply with the floor area and minimum room sizes as specified in the spatial standards in Section 5.3.2 and Table 5.1 of these Guidelines.
- 7.4.15. Section 5.3.2, of the Sustainable and Compact Settlement Guidelines 2024, refers to Private Open Space for Houses. It supports a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well designed private and semi-private open space. SPPR 2 provides the Minimum Private Open Space Standards for Houses. It is noted that as shown on the Site Layout Plan and the Housing Quality Assessment submitted the rear garden areas would exceed these minimum standards.
- 7.4.16. Section 3.6 of the Architectural Design Statement refers to Privacy and Amenity Considerations. Each dwelling will have access to a private amenity space in the form of rear gardens. The majority of the houses are to be placed back-to-back with a distance greater than 11m (22m separation distance) to allow for privacy. Units such as the narrow semi-detached F1 and F2 have been designed with no habitable

rooms to the rear at first floor level to prevent overlooking into neighbouring gardens and can accommodate shorter rear gardens because of this. It is submitted, that the dwellings have been designed to prevent overlooking.

- 7.4.17. The proposed dwellings are described as being adaptable with provision for conversion of attic space or rear extensions. As shown on the drawings private bin and bicycle stores have been allocated for the mid-townhouse units without direct garden access.

Part V

- 7.4.18. The Planning Report has regard to Part V, s.96 of the Planning and Development Act 2000 (as amended) and provides that a total of 7no. units from the proposed 4A will be provided for Part V agreement. This notes that the Part V agreement has been agreed in principle with the Council and an agreement letter forms part of the subject application. A drawing showing units proposed for Part V in Phases A and B has been submitted. If the Board decides to permit a Part V condition is applicable.

Creche

- 7.4.19. Access to the creche is from the Primary Access Road that serves The Paddocks development. The proposed new design maintains the 60no. childcare places originally permitted as part of Phase 1 (Reg.Ref.21/833). It is provided that the current proposal provides an opportunity to improve access to and cater for a redesign for the creche to provide a feature building within the estate. The proposed creche offers the same number of car parking spaces as that originally permitted. That the creche is purpose built and is to provide for the entire masterplan development to consist of 305 units.
- 7.4.20. As shown on the plans the g.f.a of the creche is to be 305.5sq.m and the gross internal floor area is to be 268.8sq.m. This is a single storey building and detailed floor plans have been provided. That the design and location of the creche has been carefully considered in relation to how it fits in with the proposed development in order to create a feature building that is in close proximity to the entrance. Parking for the creche facility is described in the documents submitted and in more detail in the Parking and Permeability Section of this Report below. As shown on the Site Layout Plan, a play area is to be provided in close proximity to the creche.

7.4.21. A Childcare Demand Report has been submitted as part of this application. This has regard to the 'Childcare Facilities Guidelines for Planning Authorities 2001'. This includes Appendix 2 – Application of the Standard of One Childcare Facility per 75 Dwellings in New Housing Areas. Also, to planning policy and objectives relative to childcare facilities in the WCCDP 2022-2028. Volume 2 includes objective DM27 which relates to the criteria for childcare facilities.

7.4.22. The Childcare Demand Report provides that the 60no. spaces proposed is adequate to serve the 305 units proposed in the masterplan area. An Assessment is made of the Distribution of Childcare Facilities in the Study Area (2km radius). Table 2 provides an Assessment of the Capacity of Childcare Facilities in the Study Area. The Report also provides an assessment of future demand as a result of the proposed development and noting a significant demand for childcare spaces in the study area. The Report concludes that it is considered that the provision of a creche on a site to cater for 60no. children, which is in excess of the projected childcare needs of the proposed development will meet current market demands for a viable operator.

7.5. Landscaping and Open Space

7.5.1. The proposed modifications to the site layout plan also include amendments to the internal layout of the permitted public open space. Big Space Landscape Architects have prepared a landscape proposal for the residential scheme. It is proposed to provide a hierarchy of open spaces catering for play areas and amenable areas. Noting that the proposed layout responds to the steep sloping topography of the site while incorporating natural features and passive surveillance. The open spaces vary in hard and soft landscaping to enhance the variety of design of spaces throughout the scheme. That permeability and connections between the variety of public spaces will be incorporated throughout the site.

7.5.2. Section 5.3 of the Planning Report submitted notes that Phase 4A provides a total of 6,249sq.m of public open space which is 28% of the net site area for this phase of the development. The Landscape Design Strategy provides details of the breakdown of the public open spaces being provided. To ensure that the public open spaces are included in both the Phase 4A and Phase 4B applications, it is provided that both

phases will provide 0.7727ha of usable open space or 16% of the total net site which complies with the requirements of the Development Plan.

- 7.5.3. It is noted that Table 3.1 of Volume 2 of the Waterford CCDP 2022-2028 provides that public open space should be provided as a minimum rate of 15% of the total site area. Also, that a detailed Landscaping Plan should be submitted and that this should indicate how the overall approach is infrastructurally and ecologically resilient and provide for varied landscapes that reflect the character of the area.
- 7.5.4. In view of the topography of the site there is a greater quantum of public open space being provided in both Phases 4A and 4B and that it is intended to develop these areas in tandem. As shown on the Site Plan Phases 4A and 4B appear to be jointly using this open space i.e the linear space between the developments and the larger area of open space in the northeastern area of the site. A Proposed Taken in Charge Plan has been included, which shows in 'pink' the roads and public open space areas to be taken in charge.
- 7.5.5. An Arboricultural Impact Assessment Report was submitted with the application. This report provides an assessment of trees and their quality value in accordance with current standards. The objective of the tree survey being to identify areas that contain trees, groups of trees and to ensure where possible that these areas would be retained and to identify the trees that are to be removed to facilitate the development. The AIA also refers to the impact of the proposed development upon the tree population in and around the site and to tree protection during the proposed works. An Arboricultural Method Statement has been submitted.
- 7.5.6. Table 1 of the AIA provides a Schedule of trees to be removed to accommodate the design. This is to be read in conjunction with Appendix A 'Tree Survey Schedule' and the Tree Protection Plan. These trees are listed as being either 'B2' or 'C2'. The AIA provides that the impact of the proposed development on the site will be moderate. It is proposed to remove 24 trees and 1 hedgerow, noting that the majority of these are of low quality. That the proposed landscape plan will include a diversity of quality trees and will compensate for their loss.
- 7.5.7. A Landscape Design Strategy has been submitted. Section 02.7 provides the Open Space Quantum -Table 1 refers showing the interlinked areas of open space within the site. Details are also given of play provision, including relative to the area

adjacent to the creche. It is provided that existing trees and hedgerows will be retained where achievable. Details are provided of proposed trees, native hedge and shrub planting. Noting that terracing will provide opportunities for planting to assist in screening the retaining walls and areas for future residents to sit, play and relax. This also refers to the use of linear open spaces for permeability and circulation.

7.6. Impact on the Residential Character and Amenities of the Area

- 7.6.1. The concerns of the Third Party Appellants are noted, having regard their locational context and proximity to the south western boundary of the site. Their dwellings are on a higher level at the end of a cul de sac in Williamstown Village, which adjoins the southwestern boundary of the subject site. Both parties are located in two storey detached houses fronting onto the cul de sac with side elevations and gardens facing the site. They are concerned about, overlooking and loss of privacy, also about subsidence and the stability of their properties during the constructional stage. In addition to the impact of the higher density, design and layout of the proposed dwellings on the character and amenities of the area. That the proposed terrace of houses, which will have rear elevations facing will be on a lower level and the density proposed is higher than that of the existing residential in the area.
- 7.6.2. The Architectural Design Statement notes that the difficult topography of the site requires a site specific strategy in order to deal with the gradient and to retain the sites characteristics and features. It provides that the development has been carefully considered to respond to the existing topography in order to minimise cut/fill on site and to maximise the usability of the open spaces within the public realm strategy. Section 2.4 refers to Topography and Existing Features, noting the change in levels on the site that requires a site specific strategy in order to deal with the gradient and to retain the site's characteristics and features. Section 3 provides a Design Strategy and this includes regard to the existing boundary hedge along the southern boundary of the site. This notes that the existing hedgerows and trees along the site boundaries and in the open spaces are to be retained where possible. Having regard to topography the proposed terraced units proximate to the southern boundary are described as being located on the highest section of the subject site. It is noted that the appellant's properties to the south in Williamstown Village are located on a higher level (FFL c.4/5m higher than those units proposed).

- 7.6.3. It is provided that the terraced unit nos.28 to 41 (i.e. to the north of the appellant's properties) are orientated in line with site topography in order to minimise amount of cut and fill. Also, they are to the north of the appellants properties so in view of this orientation and the lower level tiered development proposed there will be no significant impact on sunlight and daylight or overshadowing.

Impact on Privacy

- 7.6.4. The Planning Report submitted notes that incorporating a new housing estate that is bounding existing residential requires special consideration. This is particularly along the south western boundary of the Phase 4A application where the proposed development adjoins the Williamstown Village Estate. They submit that the appellants review of overlooking is unfounded and all items in relation to residential amenity have been comprehensively assessed and considered in the planning application.
- 7.6.5. The appellants at no.22 Williamstown Village, provide that they would have less of an issue if site 28 is allocated to the adjoining shared surface or landscaped area, and not to be used for an end of terrace house. Or alternatively restricting site 28 to a single storey bungalow. That if site no.28 is allocated to the adjoining shared surface or landscape area, and not to be used for a house it would protect their privacy and amenity for overlooking from house type F into their living room completely. Alternatively restricting site 28 to a single storey bungalow would achieve the same outcome.
- 7.6.6. In addition, I note the Appellants concerns regarding amendments to condition no.20 i.e to provide that all first floor windows of units be obscured glazed. This relates to those units to the north of no.23 Williamstown Village. I would not consider that in view of the separation distances proposed that it would be in the interests of residential amenities of future occupants to have the bedroom windows obscure glazed.
- 7.6.7. No 23 Williamstown Village is concerned that the proposed development will impact adversely on the privacy of their dwelling (overlooking issues - nos. 33 to 39) and cause overlooking to their private amenity space of their property (attachment 2 which shows the site layout refers). That site investigations, site cross sectional view drawings were not done through No. 23 Williamstown Village and unit 37 (phase 4A).

7.6.8. The First Party response provides that they gave special consideration as to how the proposed scheme would integrate with existing housing including along the southern boundary with the Williamstown estate. They submit that the proposed design, orientation and setback (c.14m long rear gardens for the terraced houses) provides that the windows in the units along the southwestern boundary will minimise potential overlooking. Terracing of some of the rear gardens to address changes in levels including those to the rear of the appellants properties are also proposed. That the provision of a 1.8m concrete post and panel fence along the southern site boundary will prevent overlooking from the proposed development.

Separation Distances

7.6.9. Regard is had to the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)'. Chapter 5 provides the Development Standards for Housing. This refers to compact development and the key characteristics of low-rise compact 'own door' housing. SPPR 1 refers to Separation Distances and allows for: *At least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.* This also provides: *There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.*

7.6.10. Figure 12 of the Landscape Strategy refers to dwelling no.28 to the rear of no. 22 Williamstown Village. This shows the 14m rear gardens proposed and the separation distance from the side of no.22 to the lower level no.28 proposed as being 17.8m. Having regard to the Site Layout Plan, it appears that the separation distances between the existing the existing and proposed housing would comply with SPPR 1 of these Guidelines. In view of the difference in levels, separation distances and proposed boundary treatment I would not consider that overlooking or loss of privacy will be an issue.

Structural issues

- 7.6.11. The Third Party concerns regarding the impact of the proposed development works on their site and potential for slippage and subsequent subsidence are noted. They provide that No. 22 Williamstown Village stands at an elevation of 45.4m while the proposed house build, proximate to their house will be at 40.4m i.e. a drop of 5m in ground level. As noted their preference would be to omit site no.28 to provide a shared surface or landscape area.
- 7.6.12. The First Party refer to the Ground Investigations Report and Sections submitted. They provide that as illustrated within this planning application, the difference in levels and design of the proposed scheme will not have a negative impact on existing dwellings. That the details submitted with the planning application highlight the consideration to respond to the site's topography and minimise cut/fill on the site. That the transitioning of site levels has been addressed through areas of public open space which have increased the usability and pedestrian permeability.
- 7.6.13. In this respect Figure 1 of their response shows: Site Section B-B relates to no. 23 Williamstown Village, noting the separation distance of 20.5m. Figure 2 shows 'Boundary Treatment Proposal (Section C-C)', noting the separation distance between the properties i.e. no. 22 Williamstown Village and end of terrace no. 28 (c.17.8m). The difference in levels and the step down of the terraced gardens is also shown on these sections as is the proposed boundary treatment. The Landscape Strategy Figure 8 refers to Landscape Section C-C showing the lower level of the proposed terraced housing and retention of the rear boundary hedging.
- 7.6.14. While I note that the Council have included Condition no.6. which concerns that a method statement relative to structural and geotechnical issues be submitted, I would consider that it has been established in the documentation submitted that these issues will be addressed by the developer in accordance with best practice and standard construction measures, taking into account the topography of the site. In addition, I would consider that it can be further addressed in the detailed Construction and Environmental Management Plan to be submitted for Phase 4A of the proposed development.

Rear Boundary Treatment

- 7.6.15. To maintain and protect the residential amenity of the existing dwellings as well as providing a good quality of private amenity space for the proposed development, the First Party provide that a bespoke approach to these gardens and rear boundary treatment has been proposed. This includes retaining as much of the existing vegetation as possible, the erection of a concrete post and panel fence along the rear boundary. That in view of the change in levels i.e the proposed houses are on a lower level, the rear gardens will be tiered/terraced to maximise the usable garden space. They refer to the details provided in the Landscape Design Strategy. The Planning Report provides that Phase 4A has incorporated a specific architectural form to create a sense of character within the larger scheme.
- 7.6.16. Regard is had to the Landscaping Plans submitted, in particular, Figure 6 'Landscape Plan – Detail Area 1'. This shows the southwestern site boundary with the Appellants properties at nos. 22 and 23 Williamstown Village. This shows the location of the appellants properties and the terraced properties and hedgerow to be retained along the southern site boundary. It shows that it is proposed that there be a cul-de-sac within the layout of the scheme to the northeast of the side elevation of no.22 Williamstown Village.

Conclusion

- 7.6.17. Having regard to the difference in levels between the existing properties and the tiered nature of the terraced housing proposed on a lower site level, to the proposed boundary fencing and retention of existing boundary hedgerows along the southern site boundary, I would not consider that issues regarding loss of privacy or overlooking for the appellants properties will be significant. Nor would I consider that it would be appropriate to omit the proposed 'type F – corner townhouse on site no.28'.
- 7.6.18. The Third Parties concerns are noted regarding subsidence and potential slippage in view of their properties being on a higher level than the subject site. They have concerns about the implementation of Condition no.6 in this respect. The First Party note that a Site Investigation Report was submitted as part of the application. In addition, a drawing showing 'Retaining Wall Layout' has been submitted which includes details of such to the rear of units 28 – 41. If the Board decides to permit, I

would recommend, a condition regarding boundary treatment to include details of retaining walls, landscaping retention of boundary hedgerows and be included.

7.7. Impact on the Social Infrastructure of the Area

- 7.7.1. A Social Infrastructure Audit based on a desktop study for a radius of 2kms of the site has been submitted with the application. This has regard to Phases 4A and B noting they form part of a larger masterplan for 'The Paddocks' area. The SIA evaluates the entire masterplan area, including the phases of development already permitted. They note that the study area is primarily focused in the urban area of Grantstown as defined in the Census 2016.
- 7.7.2. This is to identify the existing provision of social and community facilities within the following categories: Educational Facilities; Childcare Facilities; Heath; Sport and Recreation; Social/Community/Faith Groups; Arts and Culture; Convenience Retail; and Connectivity and Public Transport.
- 7.7.3. As noted the proposed development along with that already permitted will result in a demand for school places. That, having regard to future enrolments that it will take several years before the development within the Paddocks is built out over Phases, 1,2, 4A and 4B. They provide details of the demand for school places and note that third level education and training centres are outside the study area (Figure 5 relates to the location of educational facilities). Regard is also had to the School Demand Report submitted. This details the current and future capacity of existing and proposed schools in the area along with the demand to be generated from the proposed masterplan area of 305no. units. This estimates that there will be a demand for 67 primary school places and 72 secondary school places from the masterplan area over the course of the proposed development. The Report concludes that the school demand generated by the proposed development can be accommodated within existing schools in the short to medium term.
- 7.7.4. Section 5.4 of the SIA notes that there are a number of childcare facilities within a 2km radius from the proposed development. An Assessment of places is included in Appendix A of the SIA. They note that the proposed development includes a 60no. place childcare facility. The size of the proposed creche has regard to the availability of the capacity in the existing facilities. That the Childcare Report accompanying this

application has identified that there are sufficient childcare provisions within the area to support the proposed development due to the expected general population increase in Grantstown.

- 7.7.5. The SIA provides that the area of Grantstown is well served by health facilities. Details are also given of Sports and Recreation facilities in the area. Also, of Social and Community facilities and the provision of Arts and Culture. Note is had of Convenience Retail and Other Amenities. Details of existing venues are provided in Tables and Figures in the SIA. The proposed development is served by a range of outlets, retail stores and other amenities, within reasonable walking, cycling and driving distance of the site.
- 7.7.6. Section 11 of the SIA has regard to Connectivity and Public Transport provision in the Waterford Area, including bus and rail. Details are given of public transport routes. The SIA provides that pedestrian facilities within the study area are well connected and provide good footpath provisions. 'The Paddocks' has existing pedestrian footpath which allows pedestrian access to Dunmore Road via Farmleigh Estate located to the north of the development, enhancing current networks in the area.
- 7.7.7. Based on the documentation submitted, I would consider that it can be concluded that the proposed development will not have a significant effect on the social infrastructure of the area and that there are numerous facilities and a range of services in the surrounding area of the subject site in the southeastern suburbs of Waterford and that the proposal to provide new family homes will assist in achieving the additional housing units required in the Waterford area.

7.8. Construction Management

Construction and Environmental and Waste Management Plan

- 7.8.1. The documentation submitted provides that it is intended that both Phases 4A and 4B will be implemented in tandem at construction stage. Noting that should either Phase progress independently, while the approach to construction management will remain consistent, an updated CEMP relating to the single phase of development will be submitted and agreed with the Council prior to the commencement of development.

- 7.8.2. The key objective of this CE&WMP is to ensure that all potential construction phase environmental impacts will be addressed in accordance with current legislative requirements and best practice guidelines. That it will assist in the control of environmental risks that may arise during construction to ensure that these works do not result in an environmental incident, environmental damage or undue nuisance to the local environment. This document outlines procedures for monitoring the effectiveness of the environmental protection measures and for the dissemination of information to all relevant personnel during the construction programme.
- 7.8.3. Section 4 refers to Environmental Management. This includes regard to current standards and best practice measures and to monitoring and implementation at construction and operational phases. Details of measures are provided relative to the following:
- Construction Phase Measures – Pollution Prevention
 - Measures to Reduce Impacts of Habitat Loss
 - Measures to Reduce Impacts on Bats
 - Measures to Reduce Impacts on Birds
 - Measures to Reduce Impacts on Amphibians
- 7.8.4. A Description is given of Works and Indicative Construction Methods and a sequence is given of these relative to the proposed development works. Regard is had to Safety, Health and Environment. It is submitted that construction and demolition works will be carried out in such a way as to limit, as far as practicable, adverse environmental impact. This includes having regard to measures relative to air quality, dust, ecology and noise and vibration. Regard is also had to soils and prevention of contamination noting that ground conditions will be ascertained by means of site investigations.
- 7.8.5. While this is a greenfield site, note is had of excavation works, including Cut & Fill and details are provided of estimated Phase 4A cut and fill volumes relative to the phased development. Noting that similar to Phases 1-2, Phase 4A & 4B have been designed to maintain the proposed ground level where possible and to minimise the cut and fill across the Site.

- 7.8.6. Details include regard to Construction Traffic route and access. Noting that as part of the Construction Stage Safety Plan for the site/works a draft Traffic Management Plan (TMP) will be prepared for the works. Also, that a draft Construction Method Statement and a detailed Construction Stage Safety & Health Plan will be compiled in accordance with current guidelines.
- 7.8.7. Regard is had to the management of construction and demolition waste. That the works will be carried out and working methods adopted to ensure that construction activities do not adversely affect surface water and ground water quality. The most damaging type of pollution would be concrete leachate, oils and chemicals and suspended solids. Details are given of best practice measures to be adopted to ensure there will be no adverse environmental impacts. Details are submitted of construction waste management measures to be adopted and relative to monitoring and implementation.

Ground Investigations

- 7.8.8. It is of note that a Waste Classification Report by Ground Investigations Ireland has been submitted. This includes regard to surveying ground conditions, excavations and to geotechnical investigations carried out. Figure 5 shows 'Site investigation locations' for The Paddocks Masterplan area including the subject site. It is understood that any materials which may be excavated and removed from site would meet the definition of waste under the Waste Framework Directive. That it should be noted that the environmental regulator (in this case the EPA) and the waste acceptor (in this case a landfill operator) shall decide whether a waste is hazardous or non-hazardous and suitable for disposal at their facility. Details are given of Landfill Waste Acceptance Criteria and Table 1 refers to Potential Waste Categories for Disposal/Recovery.
- 7.8.9. The Conclusion notes that the material sampled across the site can be classified as non-hazardous. That no Asbestos was detected in the soil samples. The Recommendations include regard to Waste Transfer being in accordance with current codes and standards.

Construction – New Storm Water Drainage Line

- 7.8.10. A separate document has been submitted 'Proposed Construction Management Plan in relation to the proposed new storm water drainage line – Dunmore Road to River

Suir Outfall'. The proposed development works include the construction of a new storm water sewer on the Dunmore Road which is associated with Island View pumping station. Access to the site will be via the existing entrance onto Williamstown Road to the south of the site. The Construction Management Plan (CEWMP) provides details of the management of the construction phase of the proposed new storm water drainage line along Dunmore Road, Island View housing development and outfall to River Suir. Connections to the existing surface water sewer will be made at the entrance to Farmleigh and to the outfall pipe at Island View as indicated on the drawing annexed to this CMP.

- 7.8.11. The document provides that construction management and planning, with the adoption of environmental best practice, good neighbourhood policies and community engagements will contribute to mitigation of adverse environmental effects and ensuring good construction, environmental, health and safety practices.
- 7.8.12. A full Construction Management and Environmental Plan (CEMP) is to be drafted in relation to the development on the granting of planning. This document is strictly in relation to the proposed new storm water drainage line on the Dunmore Road, Island View and the outfall pipe and is indicative, it may be subject to change as the works progress.

Conclusion

- 7.8.13. It is submitted that the implementation of all the environmental management measures outlined in the CE&WMP will ensure that the construction programme will be completed without significant adverse effects on the surrounding environment. If the Board decides to grant permission, I would recommend, that a condition relative to the provision of a Construction and Environmental Management Plan relative to Phase 4A to be submitted for the written approval prior to the commencement of the works.

7.9. Access and Traffic

- 7.9.1. Access to the site is to be via the existing entrance to The Paddocks development from the Williamstown Road (L1023) to the south of the site. The site is accessed via the Paddocks primary link road through the existing development. Details are given of the internal roads layout for Phase 4A including that the proposed primary local

streets are accessed via entry points which are located from the existing street with 2no. routes connecting through the site forming a looping system. Note is had of linkages to previously permitted schemes via The Paddocks main road, including Phase 4B to the west. Details are given of shared surfaces proposed within the site. It is noted that the Infrastructural Report submitted refers to 5no. vehicular access points from existing roads being proposed for both phases of the development. Two accesses to serve Phase 4A exclusively (including one to serve the creche); two accesses will be required for both phases and, one access will serve Phase 4B only.

Traffic Impact Assessment

- 7.9.2. A Traffic and Transport Impact Assessment has been prepared to assess the impact of the proposed development which considers Phase 4A as well as the entire Masterplan area including Phases 1,2 and 4B on the local road network during the operational stage of the development. Junction analysis to assess the effects of traffic generated by the proposed development have been undertaken for the existing Williamstown Road/The Paddocks priority junction, the Williamstown Road/St.Mary's Place signalised junction and the existing Farronshoneen roundabout.
- 7.9.3. Regard is had to traffic generation and trip distribution, noting that currently The Paddocks estate has 86no. residential dwellings. In addition to the committed developments for Phase 1 & Phase 2, that permitted and that proposed, future year traffic growth has been added up to 2040. Details provide that with the residential development when operational and an increase in background flows the signalised junction operates within capacity with small queues and delays during the Am and PM peak.
- 7.9.4. The proposed development will impact on the surrounding roads network for both construction and operational phases. Details are given of construction phase management, and it is provided that a Construction Stage Traffic Management Plan will be developed prior to the commencement of works on the subject site in consultation with WCCDP 2022-2028.
- 7.9.5. Section 7 of the TIA has regard to Road Safety, Pedestrians and Internal Layout. This includes that HGV access to the site will be via the existing access road which provides access to The Paddocks housing estate. The types of HGV's accessing the

site would be emergency and refuse vehicles. The internal layout of the residential development can facilitate HGV movement within the site. The Infrastructural Report notes that the internal streets within the proposed development were designed to accommodate all types of anticipated vehicles which include cars, refuse vehicles and fire tender vehicles. That a swept path analysis has been carried out on the proposed road layout to demonstrate that the site's proposed corner radii and turning heads will accommodate everyday vehicles such as cars.

- 7.9.6. The First Party has regard to Infrastructure and modal mix, referring to pedestrian and cycle links. A Mobility Management Plan has been submitted with the application. They provide that the proposal fully aligns with Policy Objective H02 and overarching National Policy Objectives. That a review of the Council's Engineers Report and other infrastructural documents was undertaken. That all comments regarding the development were considered and applied to the Council's decision to grant permission.
- 7.9.7. I note that the Third Party refers to Condition no.9 relative to the internal roads layout and DMURS. They advise that it should be considered to put a small junction roundabout at the entrance to The Paddocks and the Williamstown Road as up to 800+cars could be exiting the Paddocks when the overall development is completed (see attachment 4 of the statement from no.23 Williamstown Village).
- 7.9.8. In this respect, I would note that neither the TIA submitted nor the Council's Road Section suggest the need for such additional road infrastructure, relative to the proposed development. I would consider that that the inclusion of such a roundabout would require significant revisions to the design and layout and would not be appropriately reviewed in the context of the current application.
- 7.9.9. The TIA concludes in Section 8 that the Williamstown Road/The Paddocks priority junction currently operates within capacity with minimal queues and delays during the peak AM and PM periods. It is stated that in 2025, 2030 and 2040 when the development should be completed, the operational flow of the existing junction will continue to operate during AM and PM peak hours within capacity with small queues and delays during the peak hours.

DMURS

7.9.10. A 'DMURS Statement of Consistency' has been prepared by AKM Design. This outlined the proposed scheme complies with principles and guidance outlined in the Design Manual for Urban Roads and Streets (DMURS). This report outlines the measures implemented and considered throughout the design process to ensure the development is compliant with DMURS policies and objectives. It accompanies Phase 4A, but it is noted that the details therein discuss both Phases 4A and 4B together due to their interconnected nature. This includes regard to connectivity and permeability and to the internal roads layout between the two phases. It is submitted that the proposed development is designed to reduce traffic speed. A Site Plan showing DMURS features has been included.

7.9.11. The Architectural Design Statement notes the hierarchy of streets and linkages to be provided within the development. Reference is had to shared surfaces, permeability and compliance with DMURS. This includes that the steep topography of the site necessitates the construction of several retaining walls which have been provided with stepped pedestrian access to improve permeability. Regard is had to the Retaining Wall Layout Plan submitted.

Quality Audit

7.9.12. This was submitted with the application to provide a recommended layout for Phase 4A and considers the subject site and the entire masterplan of 'The Paddocks' estate. It notes that Williamstown Road has a speed limit of 30km/h. It has regard to the Site Plan submitted. It notes some road safety issues within the internal layout proposed and provides a number of recommendations. It has regard to DMURS and provides that the assessment of road safety issues, which includes regard to layout, signage, road markings at junctions etc. This also includes regard to access to the creche building, and to pedestrian/cycling linkages and connectivity and to accessibility issues for mobility impaired.

7.10. Permeability and Parking

Connectivity

7.10.1. As submitted the development has been designed to facilitate active travel modes such as cycling and walking. As shown on the Site Plan the development has

included paths and linkages, this includes a footpath connection from Phase 4A and Phase 4B to The Paddocks primary access road, which has footpath linkages to the entrance of the estate and the Williamstown Road. It is also provided that a pedestrian link has been proposed between the housing estate to the north of the development allowing for a connection to the Dunmore Road.

- 7.10.2. While the proposed development in view of its suburban location on the outskirts of Waterford City is primarily car based, a Mobility Management Plan has been prepared to accompany this application to encourage modal shift at the development towards sustainable modes of transport. Considering that the proposal provides alternative modes i.e cycling and walking, including regard to public transport links.
- 7.10.3. Details are given of proposed improved cycle paths relative to Phases 4A and 4B. That it is considered that the level of bicycle infrastructure will encourage sustainable transport options and connections being provided as part of the overall scheme which includes access for bicycle lanes and pedestrian lanes within the site.

Car Parking and Bicycle Storage

- 7.10.4. It is submitted that carparking requirements for the scheme were assessed against the parking standards as set out in the Waterford CCDP 2022-2028. Reference to the Car Parking Standards is had in Volume 2 Table 7.1. In the subject application two bedroom units have been provided with 1no. space and 3 and 4 bed units with 2 spaces. Visitor car parking spaces have also been provided for Phase 4A of the development.
- 7.10.5. As noted in Section 6 of the TIA a total of 98 car parking spaces are to be provided for the 79no. residential to include visitor parking. 21no. spaces are to be provided for the creche facility i.e. 9no. for staff parking and 12no. for visitors. Table 7.1 provides 1 space per employee and 1 per 4 children, with a dedicated set down area. These creche spaces are to be provided in 2 drop off areas and are shown in blue adjacent to the creche with access from The Paddocks primary access road. 3no. of these spaces are to provide EV charging points. Therefore, as shown on the said Plan a total of 129no. car parking spaces are to be provided for Phase 4A to include for residential and the creche.
- 7.10.6. Section 7.4 and Tables 7.3 and 7.4 of Volume 2 of the WCCDP 2022-2028 provide the Bicycle Parking Standards. The Planning Report provides that bicycle storage is

to be provided throughout the site and details are given of bicycle storage for the residential units. Noting that for mid-terraced houses these are to be provided in a secure bicycle store to the front of the property to accommodate 2no. bicycles. That houses with rear garden access have sufficient space to store bicycles. 3no. covered bike stores, each providing 12 bicycle spaces are to be provided for visitor bicycle storage. That this equates to 36 no. of spaces which exceeds the requirement for Phases 4A and 4B combined.

Mobility Management

- 7.10.7. A Mobility Management Plan has been submitted with the application. This includes regard to Travel Characteristics and modal split. It notes the predominance of the car as a mode of transport and seeks to increase pedestrian and bicycle linkages and public transport options. Regard is had to existing bus and train routes, noting that Waterford train station is located 6km/12min driving distance from the proposed development and has parking facilities to accommodate commuters. It concludes that the location of the proposed residential development makes it convenient to adopt sustainable travel modes.

Conclusion

- 7.10.8. It is noted that the Council's Roads and Transportation Section does not object to the proposed development and recommends conditions. The documentation submitted, has been noted and if the Board decides to permit, I would recommend, that the Board include conditions regarding access, internal roads layout, permeability and pedestrian linkages, car parking and mobility management.

7.11. Drainage issues

- 7.11.1. AKM Design Consulting Engineers, have outlined the services and infrastructure within their Infrastructure Report and accompanying drawings. This report supports the application for Phase 4A but notes that the designs described will reflect the design of a single interconnected services network to be implemented for both the Phases 4A & 4B and the permitted phases (1 & 2) of the development. This includes that Phases 4A and 4B will share connections to the public drainage network via the network of the permitted phases which will be soon going for construction.

- 7.11.2. A detailed ground investigation was carried out on the site to determine the ground conditions and soil type. The ground investigation including trial pits, CBR's, boreholes, dynamic probing and soil infiltration testing. Soil testing was also undertaken to determine the soil type and soil classification. Details are given of the strata encountered. Figure 1.2 refers - 'Site investigation testing across the Paddocks Masterplan Site undertaken between May and August 2021'.
- 7.11.3. It is proposed to connect into existing surface-water and foul effluent infrastructure located at the operational Farmleigh residential development that adjoins the study site to the north-east. The Infrastructural Report details the design criteria for foul water, surface water drainage and water supply for the development. The site has foul water and surface water drainage spurs lying within the northern site boundary next to the adjacent roundabout following construction of the drainage network to the north. As has been noted, the proposed development works include the construction of a new storm water sewer on the Dunmore Road which is associated with Island View pumping station.

Foul Water

- 7.11.4. The proposed foul drainage has been designed to connect to the existing 225mm public sewer at the Garranmore Estate to the north of the proposed development. This pipe connects to the existing combined sewer under the Dunmore Road which drains to the Island View Foul Pump Station. A confirmation of feasibility has been received from Irish Water which is included in Appendix C.
- 7.11.5. Details are given of Design Calculations. It is noted that all new main foul sewers are designed to discharge by gravity. That the sewer network is designed in accordance with the principles and methods set out in current standards. Overall design flows from the development are calculated using Irish Water Code of Practice for Wastewater Infrastructure Appendix C. These Calculations are presented in Appendix F.
- 7.11.6. They have regard to phased implementation and note that as with the storm drainage network it has been investigated and verified that the foul drainage network to service Phase 4B could be built prior to Phase 4A. That the road and pipe connections fall within the proposed red line boundaries of Phases 4A and 4B respectively.

Water Supply

7.11.7. It is noted that a total of four connections will be required along the primary access road to service the proposed phases and can be implemented independently for Phases 4A and 4B. Regard is had to watermain design and calculations. Overall water demand is calculated using IW CoP Water Infrastructure and these calculations are presented in Appendix F. Further details including the implementation are included in the Infrastructural Report prepared by AKM Design.

Surface Water Drainage

7.11.8. The design will incorporate SuDS features to reduce the run-off and provide biodiversity benefits. The surface water discharge from the proposed development is to be a controlled flow to limit the peak discharge rate of water from the site to pre-development levels and provide attenuation to store excess runoff prior to discharge. Attenuation is to be provided through a combined use of permeable paving in private parking areas, and underground attenuation storage tanks which promote infiltration where possible into surrounding soils.

7.11.9. Construction phase surface-water works also includes installation of the proposed new stormwater sewer interception at Dunmore Road that will have the effect of reducing the existing hydraulic loading at Island View pumping station such that the occurrence of the loading threshold that triggers combined overflow discharges from Island View pumping station into the River Suir at King's Channel via the same aforementioned existing outfall will also be reduced.

7.11.10. The proposed development is to connect into the drainage networks of the previously approved phases of The Paddocks development which have been sized to accommodate flows from the proposed development. All surface water will pass through a Class 1 fuel/oil separator (sized in accordance with permitted discharge from the site) to provide the final stage of water quality treatment before being discharged into the public surface water sewer to the north.

7.11.11. Further details of the surface water design are provided within the Engineering Report by AKM Consulting Engineers. Surface water calculations for the development made use of rainfall values for the Citywest area as provided by Met Eireann. Rainfall intensities were increased by a factor of 20% to take account of climate change, in accordance with the GDSDS.

Conclusion

- 7.11.12. It is noted that the Council's Environment Section does not object to the proposed development and recommends conditions. The documentation submitted, has been noted and if the Board decides to permit, I would recommend that the Board include appropriate drainage conditions.

Flood Risk Assessment

- 7.11.13. A Site Specific FRA prepared by AKM Consulting Engineers, has been submitted with the application. This document also refers to Phase 4B which as has been noted adjoins and was submitted concurrently with the subject Phase 4A application. This has regard to the site context and notes that the undulating and steep nature of the site. The site is currently greenfield and has a mix of trees and shrubs. That the access road to the east known as The Paddocks is heavily serviced with underground sewers and utilities. The site has foul water and surface water drainage spurs lying within the northern site boundary next to the adjacent roundabout following construction of the drainage network to the north.
- 7.11.14. The Site Assessment refers to information sources consulted including OPW floodmaps.ie, Historic flood mapping, Eastern CFRAM Study, OSI maps etc. Note is had of the Existing Hydrological Features. It is provided that the nearest historical flood event to the proposed development site occurred at approx. 3km away to the west of Waterford City.
- 7.11.15. Details are given as to the Existing Geology and Hydrogeology of the Area. Also, as to the varying degree of aquifer vulnerability in the area. Regard is had to the sources of flooding. The SSFRA provides that there are no waterbodies within the site or in the immediate vicinity of the site. In view of the locational context the fluvial flood risk and coastal flood risk for the subject site is considered to be very low. There have been no historic pluvial flood events in the vicinity of the site and that the groundwater flood risk is considered to be low.
- 7.11.16. Regard is had to the 'Planning System and Flood Risk Management Guidelines' 2009. The proposed residential development includes dwelling houses and so is classified as 'highly vulnerable development'. Regard is had to the sequential approach and as per Table 3.2 of the Guidelines a Justification Test needs to be undertaken unless the site is in Flood Zone C.

- 7.11.17. The SSFRA provides that the CFRAMS flood modelling maps indicate the subject site does not include any flood risk. That the FRA confirms the proposed development footprint within the subject site as being wholly located within Flood Zone C without the need to provide a justification test. Flood Zone C is defined within the Guidelines where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 year return for both river and coastal flooding).
- 7.11.18. In conclusion the proposed site surface water network is to be discharged into the existing surface water network in the area in a controlled manner with upstream attenuation and silt control measures onsite. No artificial drainage systems have been identified at the proposed site so drainage system flood risk is not considered relevant. It is recommended to incorporate SuDS principles to ensure that any surface water that may accumulate on the site is managed sufficiently and sustainably while discharging to the drainage network.

7.12. Archaeology

- 7.12.1. It is provided that a review of archaeological sites and designated architectural heritage structures within the environment of the subject site was undertaken and it was noted that there are no recorded archaeological monuments on or in the vicinity of the subject site. There are no protected structures or Architectural Conservation Areas (ACA) within 1km of the site. The closest protected structure is Ballygunnar Castle which is located c.1km to the southeast of the site.
- 7.12.2. The Development Applications Unit of the Department of Housing, Local Government and Heritage notes that considering the location, scale and extent of the proposed development and associated groundworks, there is a possibility that previously unidentified archaeological features may be identified during the course of development works and provision should be made for the implementation of appropriate mitigation measures to ensure the protection of the archaeological heritage. They recommend a condition regarding pre-development archaeological testing.
- 7.12.3. The site is within a built-up residential area and is removed from any protected structures. There are no known archaeological monuments proximate to the site. No potential significant impacts on cultural heritage have been identified. I note that the

Council included condition no.25 relative to archaeological monitoring. If the Board decides to permit, I would recommend the inclusion of a condition concerning archaeological monitoring having regard to the greenfield nature of the site.

7.13. Ecology

- 7.13.1. An Ecological Impact Assessment (EclA) and a Natura Impact Statement (NIS) were prepared by Kelleher Ecology to accompany this planning application. This Section refers to the EclA and the NIS is discussed further in the appropriate section below. Although no significant negative impacts on designated sites, habitats, flora or fauna have been identified in relation to the proposed development, it is provided that various biodiversity related mitigation measures will nonetheless be implemented as part of the proposed project.
- 7.13.2. Details are given of the study site area. Currently, the residential area of the study site comprises of unmanaged areas of open grassland and scrub with some hedgerow/treeline boundaries. The impact of some of the works that have been carried out relative to construction works for The Paddocks development are noted. The proposed new stormwater sewer area of the study site is dominated by existing modified habitats such as roads, footpaths, some ornamental/non-native shrubberies and amenity grassland.
- 7.13.3. The study involved undertaking a desktop review and a baseline field assessment and details of these including surveys undertaken are given. Table 2.1 provides 'Baseline field assessment details'. Section 2.1 has regard to Designated Nature Conservation Sites identified during desktop mapping, noting that none are located on the subject site. Also, noting that an NIS has been submitted.

Potential Impact-Receptor Pathways

- 7.13.4. In summary, Section 3 of the EclA notes that there is a potential impact-receptor link between the study site and the following designated nature conservation sites via construction/operational surface-water and waste-water impacts: King's Channel pNHA; Lower River Suir SAC; River Barrow & River Nore SAC; Barrow River Estuary pNHA; Waterford Harbour pNHA. While all pNHAs are of national importance, all SACs are of international importance and are considered further in the NIS. Table 3.1 of the EclA provides a 'Summary of Relevant Designated Sites

with a Potential Impact-Receptor Pathway'. In this case, considerations include surface-water run-off management via the drainage system (including the new stormwater sewer on the Dunmore Road) and freshwater inputs on Atlantic Salt Meadow qualifying interest of the relevant designated sites via surfacewater discharge through the existing combined outfall at King's Channel (where Atlantic Salt Meadow is nearby). These are discussed further in the context of the NIS.

Implications for Ecology

- 7.13.5. Consideration is given to the potential for disturbance/displacement impacts of fauna that are listed as qualifying interests of a designated site through noise and/or visual cues arising from the proposed development. This also includes ex-situ disturbance/displacement impacts on highly mobile species that are qualifying interests of the relevant designated sites; ex-situ impacts occur when highly mobile species occur outside of the boundaries of their designated sites (e.g. to forage or commute). Noting that the study site does not overlook any designated site due to a combination of existing screening in place (vegetation, topography) and distance. Furthermore, it does not support habitats of ecological value for mobile qualifying interest faunal species of designated sites in the wider area (e.g. Otter Lutra lutra, waterbirds, raptors). Therefore, disturbance/displacement impacts of designated site qualifying interest fauna are not considered relevant here.

Habitats and Flora

- 7.13.6. Section 2.2 of the EclA refers to a desktop review of botanical data available for the study site undertaken by consulting online biodiversity databases to identify botanical species of interest (e.g rare, protected, invasive). Noting that the botanical survey was conducted in parallel with the habitats survey. Regard is had to the conservation status of habitats and flora and their evaluation was assessed in terms of their biodiversity value in accordance with current guidelines. That the description and evaluation of potential and residual impacts associated with the proposed development on the existing ecology of the study site and surrounding area follows current guidelines.
- 7.13.7. Section 3.2 provides a Desktop Review. This includes regard to Flora Protection & Red List Species, noting that there are none such in the vicinity (2km radius) of the subject site. That no Annex 1 habitats listed under the EU Habitats Directive are

present on the study site. They have regard to species recorded within 10km radius of the site. A review is had of habitats and botanical species found on the site (Figure 3.1 maps the distribution of the various habitats found on site). This includes regard to hedgerows and trees, including along the southern boundary of the site. The study site is described as being of lower to higher local ecological value overall; where higher value is driven by the presence of established scrub, semi natural hedgerow, mature treeline and limited areas of recolonising bare ground/neutral grassland habitats. The Landscape Plan for the proposed Phase 4A development includes the creation of new landscaped areas.

- 7.13.8. The potential impacts on Habitats and Flora are outlined in Section 4.2 of the EclA. Regard is had to Construction and Operational Phase Impacts. That the proposed development will also result in the permanent loss of the habitat where 'near threatened' pale flax is currently located leading to a permanent negative effect on this species here. Therefore, measures would be required to maintain the pale flax population at the site where landscaping provides such an opportunity. Reference is had to such in the mitigation measures, including a Management Plan for Pale Flax provided in Section 5 of the EclA.
- 7.13.9. The loss of 24 specimen trees (as outlined) will be compensated by native/pollinator friendly dominant tree planting associated with the Landscape Plan for the proposed Phase 4A development. There will be a permanent loss of c. 315m length of existing hedgerow arising from the Phase 4A development. The loss of such hedgerow will be offset through the indicative planting scheme of the Landscape Plan, where 541 linear metres of native hedgerow is proposed overall. Retention of sections of hedgerows (totalling c. 890m in length) will be supplemented where necessary. It is noted that as shown on Figure 4.1 of the EclA the 185m of hedgerow along the southwestern boundary to the north of the third party properties at Williamstown Village are proposed to be retained.
- 7.13.10. The EclA provides that no additional removal of habitat or flora is anticipated during the operational phase. Elements of the Landscape Plan comprising of new landscaping areas will mature during the operational phase of the development of 4A. It is submitted that there is an opportunity to maximise the biodiversity effects of habitats/landscaping during the operational phase through the successful implementation of a management plan for same.

Invasive Species

- 7.13.11. A discussion is had relative to inadvertently result in the spread of invasive species and it was noted that in view of the locational context and the lack of waterbodies on the site, that potential for habitat loss/damage impacts on downstream designated sites due to the spread of invasive species are not relevant here. However, a range of medium risk species are referred to and regard is had to the impact of construction on the existing habitats. Appendix C of the EclA includes a map of the study area which indicates 'Invasive Plant Locations' noting some on the subject site. If the Board decides to permit it is recommended that a condition to prevent the spread of invasive species be included.

Birds

- 7.13.12. Regard is had to a baseline survey carried out and to conservation. A total of 17 bird species within a 50m radius were noted in surveys of the site. Details are given of these. While some are of moderate concern there are no species that are listed on Annex I of the EU Birds Directive recorded overall. Two red-listed species of high conservation concern in Ireland (after Gilbert et al. 2021) have been recorded in the past at the study site; Stock Dove and Swift. It is stated that there is no suitable breeding habitat present on site for these species.
- 7.13.13. The proposed new stormwater sewer in the study area is not of any ecological value for birds as it is dominated by modified habitats (i.e artificial surface and amenity grassland) and lacks woody vegetation. The study site is therefore considered to be of lower local importance for birds overall. Table 3.1 provides a Summary of Avian Species Recorded during Transect Study 2021, noting that while they are predominantly 'green' status, there are a few within the 'amber' status to include Swallow, Starling and House Martin.

Fauna

- 7.13.14. Regard is had to a baseline mammal survey carried out and to conservation. Evidence of one non-volant mammal species 'fox' was recorded at the residential area of the study site, with two additional species historically recorded in the wider area. Although, habitat at the residential area of the study site will also support other small mammal species such as mice, shrews, voles etc. There was no evidence of badger. Hedgehog was also recorded.

- 7.13.15. It is submitted that the extent of habitat is relatively limited within the context of the site and having regard to its suburban location. The proposed new stormwater sewer area of the study site is not of any ecological value for mammals as it is dominated by modified habitats (i.e. artificial surfaces & amenity grassland) and lacks woody vegetation. The study site is therefore considered to be of lower local importance for mammals overall.

Bats

- 7.13.16. A desktop review of bat data available for the study site was undertaken by consulting online databases to identify bat species of interest (e.g. rare, conservation concern) previously recorded within the relevant national grid squares that overlap the residential area of the study site. This included a baseline assessment of the study site, taking cognisance of best practice guidelines and details are given of this. The bat roosting potential of the trees proposed for removal were considered. The conservation status of bats was considered in respect of the following: Irish Wildlife Acts (1976 – 2018 as amended); Red List of Terrestrial Mammals (Marnell et al. 2019); EU Habitats Directive. The biodiversity value of the site for bats was assessed using criteria amended after NRA 2009 and Nairn & Fossitt 2004 (see Appendix A).
- 7.13.17. While no bat species have been historically recorded in the wide 1km area, they note that the study site is part of a landscape that has a moderate to high resource value for several bat species. Section 3.3.3 lists: *Brown Long-eared, Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat, Daubenton's Bat, Whiskered Bat and Natterer's Bat*. The main exceptions being *Nathusius' Pipistrelle* and *Lesser Horseshoe Bat* as the study site is primarily outside of their known national distribution (see Roche et al. 2014). Table 3.3 refers to: *Percentage Summary of Bat Species Recorded in 2021*.
- 7.13.18. Section 4.4.1 refers to cumulative tree loss from all phases of the masterplan area may potentially support transient roosting opportunities for bats. That many of the trees to be felled are not considered to have any bat roosting potential. They note that impacts on bats can be reduced to neutral by implementing various measures as part of tree felling works to ensure the protection of such non-breeding transient roosting bats. The cumulative change in hedgerow habitat is considered to be a

slight negative effect at the wider masterplan area (including Phase 4A). However, with the successful implementation and maturation of native hedgerow as part of the proposed Landscape Plan, there is also an opportunity to maximise the overall biodiversity effects of habitats/landscaping during the operational phase through the successful implementation of a management plan of same (see mitigation measures in Section 5 of the EclA).

7.13.19. It is concluded that there may be some localised impact on bats, but that this will be neutral and not significant taking into account retention of existing boundary hedgerows and new landscaping proposals being implemented. Also having regard to low lighting recommendations.

Potential Impacts

7.13.20. These are described in Section 4 of the EclA, noting that the study area including the proposed Phase 4A development footprint is of lower to higher local biodiversity value overall. Potential impacts that can arise during Construction and or Operational phases of the proposed development and are considered. Regard is had to Construction and Operational Phase Impacts and Cumulative Effects and this includes regard to details submitted relative to the following:

- Potential Impacts on Habitats and Flora
- Potential Impacts on Fauna
- Potential Impacts on Bats

Indirect Impacts

- Surface Water Run-Off Drainage. This includes regard to the proposed new stormwater sewer interception at the Dunmore Road.
- Surface Water Run-Off Freshwater influence on Atlantic Salt Meadow.
- Waste-Water/Foul Effluent – Treated Sewage via Waterford WWTP.
- Waste-Water/Foul Effluent – Raw Sewage via Existing Combined Outfall at King's Channel.

7.13.21. In summary they provide that there is no evidence that occasional raw sewage that overflows from Island View pumping station via the existing combined outfall at King's Channel is negatively impacting on saltmarsh habitat including Atlantic Salt

Meadow. That taking the details submitted relative to the above, potential construction phase impacts on designated sites are considered to be neutral. This is discussed further in the context the NIS.

Operational Phase Impacts

- 7.13.22. Details of Operational Phase Impacts are also relative to the above headings. The new surface-water drainage system includes for the installation of a new stormwater sewer on the Dunmore Road that will have the effect of reducing the existing hydraulic loading at Island View pumping station such that the occurrence of the loading threshold that triggers combined overflow discharges from Island View pumping station into the River Suir at King's Channel via the same aforementioned existing outfall will also be reduced. They note SuDS features will be incorporated such as attenuation, hydrocarbon interceptors and permeable paving. Noting that taking the potential operational phase impacts in relation to surface-water run-off drainage on designated sites are considered neutral.

Mitigation Measures

- 7.13.23. Section 5 of the EcIA provides details of Mitigation Measures to be implemented. These are listed relative to the following:

- Mitigation Measures for Designated Sites: Construction Phase.
- Mitigation Measures for Designated Sites: Operational Phase.

As these are broadly similar to those referred to in Section 4.2 of the NIS, they are noted further in that context. Mitigation Measures are also specified relative to the below:

- Habitats and Flora - Construction and Operational Phases
- Fauna - Construction and Operational Phases

Conclusion: Residual Effects

- 7.13.24. Section 6 of the EcIA AA Screening notes that the study site, including for the proposed Phase 4A development area, is of lower to higher ecological value overall. While the extent of habitat loss and change is relatively limited within the context of its suburban location, the extent in the loss of existing hedgerow arising from the overall masterplan development is of note. While no significant negative impacts on

designed sites, habitats flora or fauna have been identified in relation to the proposed development, various biodiversity related mitigation measures (as have been listed in Section 5 of the EclA) are to be implemented during the project.

7.13.25. Residual effects associated with potential ecological impacts arising from the proposed Phase 4A residential development (as discussed in Section 4) are considered in Section 6 and these include:

- Neutral for designated sites in the wider area.
- Slight to not significant negative for habitats and flora overall where landscaping successfully matures into a native and non-native pollinator friendly dominant planting scheme or moderate negative where landscaping fails to successfully mature into a dominant native and non-native pollinator friendly planting scheme.
- Imperceptible neutral and potentially positive for 'near threatened' pale flax with the successful implementation of resident pale flax into landscaping or permanent negative in the event that implementation into landscaping fails or does not occur.
- Positive for the study site and wider locality in general in relation to the appropriate management/eradication of non-native invasive plants (Rhododendron, Buddleia, Cherry Laurel, Winter Heliotrope).
- Imperceptible to not significant negative for fauna overall where landscaping successfully matures into a native and non-native pollinator friendly dominant planting scheme or slight negative where landscaping fails to successfully mature into a dominant native and non-native pollinator friendly planting scheme.
- Neutral imperceptible for fauna (including bats) in relation to general on-going operational disturbance/displacement impacts including a lighting scheme that ensures artificial light spillage onto adjoining areas and new landscaped areas is kept to a minimum.
- Neutral for small and medium sized mammals in relation to operational phase site movement/access.

- Imperceptible neutral on habitats, flora and fauna of aquatic habitats associated with the River Suir.

7.13.26. The proposed site development works are to be carried out in accordance with best practice regarding standard environmental protection. Environmental inputs associated with the proposed development include surface-water run-off, wastewater and other wastes; however, these inputs will be controlled/managed. Details are provided of pollution prevention measures to be included relative to the control and management, during construction and operational phases. It can be concluded that with the implementation of the mitigation measures provided in Section 5 of the EclA, that the proposed development will not have a significant negative impact on the ecology of the area.

7.13.27. The Council's Heritage Officer recommends the implementation of all mitigation measures details in Section 5 of the EclA and that it be a condition of any decision to grant along with retention and enhancement of structure and species diversity of hedges as per Figure 4.1 of the EclA and implementation of the Tree Protection Plan and Landscaping Plan. If the Board decides to permit, I would recommend, that a condition) relative to ecology and the implementation of all the mitigation measures in Section 5 of the EclA be included.

8.0 Recommendation

I recommend that permission be granted subject to the conditions below.

9.0 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 and phasing of development in the masterplan area and 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.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 9th day of November 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.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full or as may be required in order to 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.

Reason: In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.

3. a) The mitigation measures detailed in Section 5 of the Ecological Impact Assessment (EclA) shall be implemented.

b) 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.

Reason: In the interest of biodiversity and the protection of European Sites.

4. 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.

b) All bathroom windows shall be obscure glazed.

Reason: In the interest of visual amenity.

5. The site including the areas of open space 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. This shall as far as possible, include for the retention of trees and hedgerows along the southern boundary. The landscaping 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 season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

Reason: In order to ensure the satisfactory development of landscaping and the open space areas, and their continued use for this purpose.

6. Final details of all proposed site boundary treatments, including the construction of retaining walls shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenities.

7. Access from the public road, pedestrian crossings and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, signage and traffic calming measures, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of the Environment, Community and Local Government in March 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

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

Reason: In the interest of public health.

9. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. 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.

Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

12. 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. 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.

Reason: In the interest of visual amenity and to prevent the spread of alien plant species.

14. 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.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

16. Prior to planned use of cranes on site the developer shall undertake a safety assessment undertaken by an approved instrument flight procedure designer in accordance with Irish Aviation Authority guidelines. The developer shall liaise with the Waterford Airport and Waterford Airport shall be notified of the intention to commence crane operations with at least 30 days prior notification of their erection.

Reason: To ensure the safety of aircraft operations of Waterford Airport and in the interests of the proper planning and sustainable development of the area.

17. 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.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

19. 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.

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

20. 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, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: 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.

21. (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 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.
- (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.
- (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.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.

22. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

23. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. 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 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.

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

Angela Brereton
Planning Inspector

25th of October 2024

Appendix A - EIA – Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference ABP-318284		
Development Summary	Permission is sought for Phase 4A which consists of 79no. residential units and a childcare facility and all ancillary works to include access and amenity areas etc. at 'The Paddocks' Williamstown Road, Grantstown, Co. Waterford. The development works to include the construction of a new storm water sewer on the Dunmore Road which is associated with the Island View pumping station.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	Natura Impact Statement
4. Is a IED/IPC or Waste Licence (or review of licence) required from the EPA?	No	<ul style="list-style-type: none"> • Construction Management Plan in relation to the proposed new storm water drainage line – Dunmore Road to River Suir Outfall • Construction Environmental and Waste Management Plan
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<ul style="list-style-type: none"> • Site Specific Flood Risk Assessment • Ecological Impact Assessment • Construction Management Plan in relation to the proposed new storm water drainage line – Dunmore Road to River Suir Outfall

		<ul style="list-style-type: none"> SEA and AA was undertaken by the planning authority in respect of the Waterford City and County Development Plan 2022-2028
B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p> <p>This assessment should be read with, and in light of the rest of the Inspector's Report attached herewith.</p>		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The proposed development consists of 79no. 2 and 3 bedroom houses primarily in terraced blocks. The development is of a similar density to other phases of residential development permitted in 'The Paddocks' and is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.</p>	<p>No</p>

<p>1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development will result in site excavations and construction of a new development within the existing undulating greenfield site subject to excavation and construction for residential use in accordance with the residential zoning that applies to these lands.</p> <p>There are no waterbodies on the site.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature</p>	<p>No</p>

	and the implementation of the standard measures outlined in the Construction and Environmental Waste Management Plan (CEWMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEWMP would satisfactorily mitigate the potential impacts. Operational	No

	waste would be managed through a waste management plan to obviate potential environmental impacts and are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<p>No significant risks are identified. Operation of standard measures outlined in a CEWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to the mains services and discharge surface waters only after passing through a fuel interceptor and a flow control device to the public network. Surface water drainage will be separate to foul drainage within the site and leaving the site.</p> <p>The development works include the construction of a new storm water sewer on the Dunmore Road which is associated with the Island View pumping station.</p>	No

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the CEWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within A CEWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area</p>	<p>No</p>

	provided via piped services.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation/public safety zones for Seveso/COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Population of this urban area would increase. Housing and a creche would be provided to meet existing demand for residential and childcare in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	The application is located on land zoned for new residential 'RI'. It forms Phase 4A and it is provided is to complete the permitted phased residential development as part of 'The Paddocks' Masterplan Area in this	No

	suburban area of Waterford.	
2. Location of proposed development		
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a. European site (SAC/ SPA/ pSAC/ pSPA) b. NHA/ pNHA c. Designated Nature Reserve d. Designated refuge for flora or fauna e. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No European sites located on or adjacent to the site. An Appropriate Assessment Screening and a Natura Impact Statement were provided in support of the application. Subject to the implementation of appropriate mitigation measures, no adverse effects are foreseen.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>Field surveys of the site indicate that no protected flora or fauna species use the site. The Ecological Impact Assessment Report provides that the trees and hedgerows on site have limited scope for bat roosting. It is provided that the retention of trees and hedgerows and the replanting proposed in Landscaping Scheme and the Lighting scheme proposed may result in a localised but not</p>	No

	significant adverse impact on bats. Sections 7.13.19 and 7.13.25 of the Assessment in the Inspector's Report refer.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No Recorded Monuments or Protected Structures in the vicinity of the site have been noted. As this is a greenfield site an archaeological monitoring condition has been recommended by the DoHLGH.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such features are in this suburban location.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement SUDS measures to control surface water run-off. Potential impacts arising from discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated. A Flood Risk Assessment has been carried out	No

	noting that the site is not at risk of flooding.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	Regard is had to the Construction Environmental and Waste Management Plan and Ground Investigations Report submitted.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Access will be via The Paddocks and the Williamstown Road (L1023). No significant contribution to traffic congestion is anticipated from the development. A Traffic Impact Assessment has been submitted.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	Reports submitted include the following: Childcare Demand Report A School Demand Report A Social Infrastructure Audit. These issues are discussed in Section 7.7 of the Inspector's Report and it is concluded that no significant effects have been noted.	No
3. Any other factors that should be considered which could lead to environmental impacts		

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<p>This proposal relates to Phase 4A The Paddocks for 79no. housing units, which together with the permitted Phase 4B provides for 172no. units. This forms part of the larger Masterplan consisting of a total of 305no. units at 'The Paddocks'.</p> <p>As noted in the Planning History the other phases have been previously permitted.</p>	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/> Agreed	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.</p> <p>Having regard to:</p> <ul style="list-style-type: none"> a) The nature and scale of the proposed residential development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001 (as amended); 		

- b) The location of the site on Phase 1 lands within the Waterford urban area governed by the zoning objective 'R1' New Residential in the Waterford City and County Development Plan 2022-2028, and the results of the Strategic Environmental Assessment of the Development Plan undertaken in accordance with the SEA Directive (2002/42/EC);
- c) The nature of the existing site and the pattern of residential uses in the surrounding area, including The Paddocks masterplan area, and the planning history relating to the site;
- d) The availability of mains water and wastewater services to serve the development;
- e) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and;
- f) The appropriate assessment that has been carried out of likely significant effects on European sites;
- g) The features and measures that are applied to avoid or prevent what might otherwise be significant effects on the environment, including measures for the management of wastewater and surface water;

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report, would not, therefore, be required.

Inspector _____
Date _____

Approved (DP/ADP) _____
Date _____

APPENDIX B

Appropriate Assessment Screening

- 10.1.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed assessment- appropriate assessment (stage 2).
- 10.1.2. The screening assessment undertaken on behalf of the applicant concluded that the potential for significant effects could not be ruled out for two no. European Sites within the intervening area in view of the conservation objectives of those sites and thus Stage 2 was required.

Step 1: Description of the project

- 10.1.3. I have considered the proposal for Phase 4A of the residential development at The Paddocks, Williamstown Road, Grantstown, Co. Waterford, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An AA Screening report has been prepared on behalf of the applicant and the objective information informs this screening determination.
- 10.1.4. This proposal is in summary for the development of Phase 4A of The Paddocks residential development to provide 79no. housing units, a creche and all ancillary site works. Noting that it also includes a connection to and the construction of a new storm water sewer on the Dunmore Road, which will provide a bypass for storm drainage, to reduce the load on the Island View Foul Pump Station as required by Uisce Eireann.
- 10.1.5. The subject site is located on the western side of the Paddocks, c. 4km to the southeast of Waterford city centre and is c.42m from the nearest Natura 2000 site, the Lower River Suir SAC (002137), which is more proximate to the location of the proposed new stormwater sewer close by at Island View, while the residential area is c. 660m away (Table 3.1 and Figure 2.1 refer). The site is c. 4.5kms from the River Barrow and River Nore SAC.

Step 2: Potential impact mechanisms from the project

- 10.1.6. Having regard to the location of the site relative to the nearest Natura 2000 sites there is no likelihood for direct impact in the form of:
- Habitat loss or deterioration

- Species disturbance or mortality

10.1.7. There is a possibility of indirect impacts in the form of the following:

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Ground water pollution/ alteration of flows- effects on groundwater dependent habitats
- Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species.

European Sites

10.1.8. Section 3 and Table 3.1 of the Screening Report provides an Identification of Relevant European Sites (Natura 2000). These are as follows:

- Lower River Suir SAC IE002137 and
- River Barrow and River Nore SAC IE0002162

The applicant has applied the source-pathway-receptor model in determining possible impacts of the effects of the proposed development. No other Natura 2000 sites are considered relevant here regarding likely significant effect due to a lack of hydrological link given their locations that are either not downstream of the surface-water runoff discharge point at King's Channel or are within the estuary/harbour area combined with relatively significant water throughput associated with the estuary/harbour as influenced by the Celtic Sea in general.

The Qualifying Interests and General Conservation Objectives of these two Designated Natura 2000 sites are as shown on Table 1 below:

European Site (code) and distance from proposed development	List of Qualifying Interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N

<p>Lower River Suir SAC IE002137 Distance 42m</p>	<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <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>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.</p>	<p>There is source – pathway – connectivity between the proposed development site and the Lower River Suir SAC This is hydrologically connected.</p>	<p>Yes</p>
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	<p><i>Alosa fallax fallax</i> (Twaite 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>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> 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 (<i>Cratoneurion</i>) [7220]</p>	<p>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.</p>	<p>There is source – pathway – connectivity between the proposed development site and the River Barrow and River Nore SAC This is hydrologically connected to the site.</p>	<p>Yes</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>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaiite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Margaritifera durrovensis (Nore Pearl Mussel) [1990]</p>			
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Atlantic Salt Meadow at/near the Existing Combined Outfall at King's Channel

- 10.1.9. Atlantic Salt Meadow is one of the qualifying interests of the Lower River Suir SAC and the River Barrow and River Nore SAC. The AA Screening Report submitted (Section 2.3.2) has regard to a study done regarding the above (EU Habitat Code 1330) present at/near the existing 900mm combined outfall that discharges stormwater into the River Suir and associated SAC at King's Channel. Raw sewage overflow from the nearby Island View pumping station that discharges via the 900mm Ø combined outfall has previously been cited as a potentially relevant impact in relation to Atlantic Salt Meadow nearby.
- 10.1.10. It is noted that the historic management of sewage has since been superseded by the Waterford Main Drainage Scheme commissioned from 2010, where raw sewage locally now only comprises of occasional overflow from the nearby Island View pumping station. In relation to future prospects for the Little Island Atlantic Salt Meadow site, it is noted that while no pressure posing a significant threat was identified, it is considered that targeted measures are required to improve its structure & functions.
- 10.1.11. Details are given of the Atlantic Salt Meadow (1330) Field Assessment undertaken in 2021. The data collected from the 2021 field assessment was compared to previous datasets where appropriate to assess potential changes and/or impacts on Atlantic Salt Meadow per the relevant attributes/targets as outlined in the conservation objectives for the Lower River Suir SAC (see NPWS 2017).
- 10.1.12. The 2021 survey has revealed no significant change in structure of the saltmarsh habitat. The lack of such visible signs of vegetation damage indicates that occasional nutrient inputs from raw sewage overflow associated with Island View pumping station via the outfall does not have a significant adverse effect on the vegetation in question including Atlantic Salt Meadow. Table 2.4 provides 'A Summary of 2021 & 2018 (see KES 2008) results in relation to the attributes for Atlantic Salt Meadow of the Lower River Suir SAC (after NPWS 2017)'. This Assessment provides that while it is possible that small areas have been lost through coastal erosion or invasive species there is no significant change or definitive evidence of reduction in the overall area of Atlantic salt marsh.

- 10.1.13. It is provided that recreational activities (e.g walking etc) relative to the proposed development will not impact on the Atlantic Salt Meadow habitat study area as such. This is in view of the separation distance from the Phase 4A residential, noting that the development proposed does not include any specific access to the Atlantic Salt Meadows area.
- 10.1.14. It is concluded that no significant indirect habitat loss or deterioration of these Natura 2000 sites relative to any impact on the Atlantic Salt Meadow interest in relation to freshwater influence arising from surface water run-off associated with the proposed development at the study site is deemed likely in this case.

Assessment of likely Effects (Direct/Indirect)

Lower River Suir SAC and River Barrow & River Nore SAC

- 10.1.15. Section 3 (Table 3.1) of the AA Screening Report provides a Brief Description of the qualifying interests and conservation objectives of these Natura 2000 sites and an overview of Potential Impact – Receptor Pathways. In this case, surface-water considerations include surface-water run-off management via the drainage system (including the new stormwater sewer on the Dunmore Road) and freshwater inputs on the qualifying interest Atlantic Salt Meadow of the Lower River Suir SAC via surface-water discharge through the existing combined outfall at King's Channel (where Atlantic Salt Meadow is nearby). Potential indirect hydrological impacts on the relevant SACs via surface-water run-off arising from the study site are therefore further considered.
- 10.1.16. There is a potential impact-receptor pathway via waste-water/foul effluent links between the study site and two Natura 2000 sites; Lower River Suir SAC and River Barrow & River Nore SAC. As wastewater/foul effluent associated with the proposed development will be directed into the public sewer network including Island View pumping station, there is a possibility that raw sewage arising from the proposed development may be part of such overflow at the combined outfall at King's Channel. Therefore, potential indirect hydrological impacts on these SACs via raw waste-water/foul effluent arising from the study site are further considered.
- 10.1.17. In addition, potential indirect hydrological impacts on these SACs via treated wastewater/foul effluent arising from the study site are further considered. It is noted that the public foul effluent network for treatment at Waterford City WWTP that

ultimately discharges into the River Suir where the Lower River Suir SAC is also present and the River Barrow & River Nore SAC is from c. 3.1km downstream of the WWTP discharge point.

- 10.1.18. The study site does not overlook any Natura 2000 site due to a combination of existing screening in place (vegetation, topography) and distance. Furthermore, the study site does not support habitats of ecological value for mobile qualifying interest faunal species of Natura 2000 sites in the wider area (e.g. Otter *Lutra lutra*, waterbirds, raptors). Therefore, disturbance/displacement impacts of Natura 2000 site qualifying interest fauna are not considered relevant here regarding likely significant effects.
- 10.1.19. That potential habitat loss/damage impacts on downstream designated sites due to the spread of invasive plant species are not considered relevant here regarding any significant likely effect.
- 10.1.20. The project for Phase 4A is limited in scale and extent and the potential zone of influence is restricted to the immediate vicinity of the proposed development. Relative to possibility for cumulative impact it is noted that this is a possibility in that it forms part of The Paddocks phased development in the Masterplan Area.

Conclusion - Stage 1 AA

- 10.1.21. I have reviewed the information on file and the documentation submitted by the applicant. 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. In summary, Section 4 which provides the NIS further considers (i) potential construction/operational phase surface-water run-off impacts in relation to the Lower River Suir SAC and the River Barrow & River Nore SAC; and (ii) potential construction/operational phase waste-water/foul effluent impacts in relation to the Lower River Suir SAC and the River Barrow & River Nore SAC. Given the potential for indirect affects through surface water discharge and the public foul/effluent sewer network, significant impacts on these two Natura 2000 sites cannot be discounted.
- 10.1.22. 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) cannot rule out significant effects on European Site Nos. 002137 and 002162, in view of the sites Conservation Objectives, an Appropriate Assessment and submission of a Stage II NIS is therefore required.

10.2. Stage 2 – Appropriate Assessment

- 10.2.1. Having reviewed the documents, submissions and consultations on file, I am satisfied that the information including that in the NIS submitted with the application, allows for a complete assessment of any adverse effects of the development, on the conservation objectives of this European site.

Relevant European sites

- 10.2.2. In the absence of mitigation or further detailed analysis, the potential for significant effects could not be excluded for:

- Lower River Suir SAC (site code: 002137)
- River Barrow and River Nore SAC (site code: 002162)

Appropriate Assessment of the implications of the proposed development

- 10.2.3. 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.
- 10.2.4. 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

- 10.2.5. 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.

10.2.6. A description of the Qualifying interests and Conservation Objectives of the aforementioned SACs is given in Table 1 in the Screening Assessment above. Section 4 provides the NIS and details of Elements of the Project that may Potentially Impact on Qualifying Interests of the Natura 2000 site. These include regard to the following relative to the impacts on surface water drainage:

Indirect Habitat Loss or Deterioration: Surface Water Run-off

- Surface-Water Run-off Drainage: Construction Phase.
- Surface-Water Run-off Drainage: Operational Phase
- Surface-Water Run-off Freshwater influence on Atlantic Salt Meadow

Indirect Habitat Loss or Deterioration: Waste-Water/Foul Effluent

- Treated Sewage via Waterford WWTP
- Raw Sewage via Existing combined Outfall at King's Channel

Mitigation Measures

10.2.7. 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. These included in relation to potential construction/operational phase surface-water run-off drainage effects. 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.

10.2.8. Mitigation Measures are detailed in Section 4.2 of the 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 relative to Pollution Prevention in

Section 4.2 and Table 4.6 of the NIS). Noting that these have been developed by a multidisciplinary project team. Providing that they would ensure that no significant quantities of silt, dust, petrochemicals, invasive species or pollution enters the Kings Channel and subsequently the Natura 2000 sites, 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 measure proposed to the implementation of mitigation on site and to prevent any significant indirect habitat loss or negative impact at King's Channel or on the qualifying interests and conservation interests including Atlantic Salt Meadows, relative to either SAC.

- 10.2.9. The qualifying interests and conservation objectives of the Natura 2000 sites are as listed in Table 3.1 of the AA Screening Report and in Table 1 of my Assessment above. The mitigation measures for both Natura sites are considered jointly in the summary Table in Section 4.6 of the NIS. These are reiterated in Table 2 below.

Table 2—Assessment of the Effects of the Project or Plan on the Integrity of the Lower River Suir SAC and River Barrow and River Nore SAC

Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from screening assessment)	<p>Elements of the proposed development that may result in potential effects on the Lower River Suir SAC and River Barrow & River Nore SAC in the absence of potentially relevant environmental protection measures include; (i) potential construction/operational phase surface-water run-off drainage impacts on both SACs.</p> <p>Potential effects related to surface-water run-off freshwater inputs and waste-water/foul effluent impacts are not considered relevant here in relation to likely significant adverse effects such that no mitigation measures are required as outlined in Sections 4.1.1.3 & 4.1.2 above respectively.</p>
Set out the Conservation objectives of the site	The conservation objectives and qualifying interests of the relevant Natura 2000 sites are outlined in Table 3.1 of the NIS and Table 1 of this Assessment above.
Describe how the project or plan will affect key species and key habitats. Acknowledge uncertainties and any gaps in information.	With the implementation of the mitigation measures specified in Section 4.2 of the NIS, 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 in this case.
Describe how the integrity of the site (determined by structure and function and conservation objectives) are likely to be affected by the project and plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes etc.). Acknowledge uncertainties and any gaps in information.	As above
Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site. Acknowledge uncertainties and any gaps in information.	Mitigation measures are to be integrated as part of the proposed Phase 4A development regarding environmental protection specific to the site, works/operations and the River Suir with associated Lower River Suir SAC in relation to potential construction/operational phase surface-water run-off drainage effects. In acknowledgement of the downstream location of the River Barrow & River Nore SAC, a precautionary approach is considered appropriate here regarding the potential relevance of such run-off proposals to this Natura 2000 site also. Construction/operational surface-water proposals are thereby listed as part of mitigation measures in Section 4.2 above.

Conclusion on Mitigation Measures

- 10.2.10. I would consider that the mitigation and monitoring measures proposed in section 4.2 of the NIS are implementable and will be effective in their stated aims. The environmental protection measures have been developed in accordance with current policy, regulations and guidelines and a list of such is provided in Section 4.3 of the NIS. Furthermore, an ecologist will be employed to ensure that measures are implemented as prescribed.
- 10.2.11. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European site based on the outlined mitigation measures. Overall, the measures proposed are effective, reflecting current best practice and can be secured over the short and medium term.

In-Combination Effects

- 10.2.12. Section 4.1.3 of the NIS notes that potential off-site cumulative effects arising from the proposed development include surface water and foul effluent inputs into the River Suir and associated SACs via the public sewer network, where qualifying interests associated with these aquatic sites could be subject to adverse cumulative impact through hydrological or water quality impacts such as increased siltation, nutrient release, contaminated run-off.
- 10.2.13. This application is for Phase 4A of The Paddocks residential development in the wider Masterplan area. It is to include a creche and all associated site development works including connections to the surface/foul water drainage and network system. The proposed development will include a new stormwater sewer on the Dunmore Road, which will be used for all phases. The proposed new stormwater sewer interception will have the effect of reducing the existing hydraulic loading and associated occurrence of combined overflow discharges from Island View pumping station into the River Suir at King's Channel (where the Lower River Suir SAC is present and the River Barrow & River Nore SAC is downstream), thereby representing an improvement on the existing situation. Construction/operational phase surface-water management controls are proposed that will be specific to the site, works/operations and River Suir with associated Lower River Suir SAC.
- 10.2.14. The proposed development will discharge to the Lower River Suir at Kings Channel. Consequently, there is a potential for cumulative impacts on water quality to the Lower River Suir SAC and the River Nore and River Barrow SAC arising from the combined impacts and associated effects of other housing developments in the area. In acknowledgement of the downstream location of the River Barrow & River Nore SAC, a precautionary approach is also considered appropriate here regarding the potential relevance of construction related run-off controls to this Natura 2000 site.
- 10.2.15. It is of note that a similar findings NIS was submitted for the concurrent application (now permitted) on the adjoining site Phase 4B of The Paddocks(Ref. 23/60349) and it was concluded that there were no significant adverse individual or cumulative effects likely on any Natura 2000 site as a result of the proposed development in combination with these other permitted developments within the same river catchment. As noted in the Planning History Section of this Report, NISs were also

submitted relative to Phase 1, and other phases of The Paddocks. These all concluded that there were no significant adverse individual or cumulative effects likely on any Natura 2000 site as a result of the proposed development in combination with these other permitted developments. Therefore, taking the above into consideration no significant adverse cumulative effects are likely on any Natura 2000 site as a result of proposed Phase 4A development in combination with Phases 1 & 2 of the overall masterplan development.

- 10.2.16. Section 4.1.3 of the NIS refers to Cumulative or In-combination Effects, notes that there are a number of residential developments that received planning permission or are proposed (i.e. decision still pending), some of which are not yet constructed, located in the vicinity of the subject site, which is on residentially zoned land in the southeastern suburbs of Waterford City. These developments are located in the same river catchments as the proposed development site relative to surface water discharge. This includes permitted/recently constructed Radharc na Siúire housing development, Knockboy (under WCCC references 18/68 and 19/636), (ii) permitted SHD development at Knockboy Williamstown Waterford (under ABP reference 304423), (iii) permitted housing scheme by Noel Frisby Developments at The Outer Ring Road (under WCCC reference 21/215), (iv) permitted neighbourhood centre by MBP Developments at Knockboy (under WCCC reference 22/571). It is concluded in the relevant NIS's that there is no likelihood of significant negative effects on the integrity of the Lower River Suir SAC or any other Natura 2000 site once the required mitigation measures have been implemented.

Conclusion

- 10.2.17. I would conclude that with the implementation of mitigation measures the proposed development in combination with these permitted housing developments on serviced sites will not result in significant adverse individual or cumulative effects on the Natura 2000 sites. That no significant impacts are likely on European sites, from the proposed development alone or in combination with other plans and projects based on the implementation of standard construction phase mitigation measures.

AA Conclusion

- 10.2.18. The proposed development to provide a residential development for 79 units, creche, access, connection to services and ancillary works on the subject site, and the

construction of a new storm sewer has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

10.2.19. Having carried out screening for Appropriate Assessment of the project, it has been concluded that it may have a significant effect on the Lower River Suir SAC and the River Barrow and River Nore SAC, without the implementation of mitigation measures. 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.

10.2.20. I would conclude that with the implementation of the mitigation measures in Section 4.2 of the NIS that proposed Phase 4A development will not result in significant individual or cumulative effects on the Lower River Suir SAC and the River Barrow and River Nore SAC. That neither will it have any influence on the attainment of the conservation objectives.

10.2.21. 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. 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.