



An
Bord
Pleanála

Inspector's Report

ABP-318456-23

Development	Medical facility and associated ancillary accommodation and site development works.
Location	Waterford Retail Park, Cork Road, Butlerstown North, Waterford, X91 A7DH
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2360393
Applicant(s)	Monaco Properties Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Monaco Properties Ltd
Observer(s)	None
Date of Site Inspection	22 nd of August 2024
Inspector	Angela Brereton

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – EIA: Preliminary Examination

1.0 Site Location and Description

The subject site (stated area 1.250 hectares) is located on zoned lands to the southwest (c.4km) of Waterford City Centre and to the north of Waterford Retail Park. The site is bound by the Cumann na mBan Ring Road (R710 Regional Road) to the west, Waterford Retail Park to the south and east and undeveloped lands to the north of the site. The main access to the Waterford Retail Park is from the R710, Cork Road, Butlerstown North. The R680 Regional Road is to the south (service access to the park from Cork Road).

The existing Waterford Retail Park comprises of 7 no. of retail warehouses (Harvey Normans, Maxi Zoo, Halfords, Home Focus at Hickeys, EZ Living & Home Store & More), a fitness gym (Snap Fitness), recently opened Costa Coffee (to the west of the main building), and an extensive area of surface car parking. The access to the retail park is via the Cumann na mBan Ring Road to the west of the site and there is a service access to the site from the Cork Road to the south of the site.

This greenfield site is cordoned off from the existing retail park by a c.1.8m post and wire mesh fence. The southern boundary of the site adjoins the carparking area and the northern end of the existing retail units. The turning circle of the service road to the rear of the existing units also adjoins the site. It is noted that the western boundary of the site is fenced off from the larger field area. There are some farm buildings seen in the distance which adjoin the northern end of the site. These are accessed separately from the L1009 to the north.

The site is low lying, and it appears there has in the past been some excavation so that it is lower than the level of the access road. There is a dense hedgerow along the roadside boundary with the R710. However, in view of the proposed 3 storey nature of the building and the proximity to the road it will be more visible in the landscape than the existing lower profile retail units which are well set back from the road. There is a large free-standing advertising sign at the entrance to the retail park.

2.0 Proposed Development

Planning permission is sought for the following:-

- A standalone 3 storey building to accommodate medical related uses with all associated ancillary accommodation and standalone ESB substation (totalling 3490sqm gross floor area)
- Access will be from the existing Waterford Retail Park access on the Outer Ring Road through the existing car park
- An additional 102 parking spaces will be provided bringing the total to 976 spaces. (The 102 spaces in this application were also part of the car park extension (123no. spaces) proposed under Ref: 22/936)
- All associated site and development works hard and soft landscaping, building mounted signage and bicycle parking facilities for staff and customers.

The application is accompanied by documentation to include the following:

- A Planning Application Report,
- Traffic and Transport Assessment,
- Engineering Assessment Report,
- Design Statement,
- Energy Statement,
- Light Impact Assessment
- Outline Construction Management Plan

3.0 Planning Authority Decision

The Planning Authority's Decision (dated 20th of October 2023) to Refuse Permission for the proposed development is as follows:

1. *It is considered that the proposed development of a 3 storey building with a stated gross floor area totalling 3,490sqm to accommodate medical related uses situated within a retail warehousing park, which is not served by public transport and at a location remote from centres of population would be contrary to the policy provisions of the Waterford City & County Development Plan 2022-2028, specifically Core Strategy Objective CS03 and Policy Objectives Place 26, SC20 and SC23 which seek to promote compact growth*

and create 10 minute neighbourhoods and directing health care / medical uses to appropriate urban locations within new and existing communities.

Furthermore, the proposed development would be contrary to the Waterford Metropolitan Area Strategic Plan, its strategic goals and policies, specifically policy objective 26 which states that community infrastructure including health facilities shall be retrofitted within existing communities where needed and new facilities provided in tandem with future population growth. Thus, the proposed development if permitted would be contrary to the policy objectives of the Waterford City & County Development Plan 2022-2028, and the Metropolitan Area Strategic Plan and the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

The Planners Report has regard to the locational context of the site, planning history and policy and to the internal and external Reports received and it is noted that no Submissions were made. Their Assessment included the following:

- The site is located in West Waterford city area on lands zoned 'General Business' as designated in the Waterford City and County Development Plan 2022-2028.
- It is within Waterford Retail Park which comprises of 7no. retail warehouses.
- They have regard to the planning history and noted that an extension to the retail park is currently under appeal.
- They are concerned about the proposed use and consider that insufficient details have been provided relative to the proposed medical facility.
- In the absence of supporting details from the end user a condition of a planning authority may not suffice or be appropriate in this instance. A planning condition must be reasonable and enforceable.
- There are no supporting details from a Health Insurance Provider or University Hospital Waterford provided with the application.

- They are concerned about the site's location removed from a district or neighbourhood centre or a regional facility.
- They consider that it has not been demonstrated that the development would not be contrary to the proper planning and development of the area.
- The access to the site is via Cumann na mBan Ring Road to the west of the site and there is service access from the Cork Road to the south of the site. They note that a Traffic and Transport Assessment has been submitted.
- That additional parking is to be provided. The submitted floor plans do not provide sufficient details to calculate parking provision needed for the proposed usage.
- They note that an Engineering Report has been submitted with the application. A copy of the Confirmation of Feasibility from Uisce Eireann is not on file and is outstanding.
- A Habitats Directive Screening Report was carried out by the Planning Authority and concluded that in view of intervening distance to the identified Natura 2000 sites, no appropriate assessment issues arise in this case.
- The Planner considered that insufficient information had been submitted to enable a decision to be made on the application and recommended that F.I be sought on a number of issues.

Additional Report of the Senior Executive Planner

While the Planner recommended that F.I be submitted, this was not requested as the SEP recommended refusal to include the following:

The site is located in a business park remote from a centre of population, outside the urban area of the City, and any existing or planned district or neighbourhood centres. The proposal would be contrary to the policy provisions of the Waterford City & County Development Plan 2022-2028, which seeks to promote compact growth and create 10 minute neighbourhoods and directing health care / medical uses to appropriate urban locations within new and existing communities and the MASP, such uses should be located within existing or planned urban settlements, promoting

sustainable patterns of development, compact growth and 10 minute neighbourhoods.

The Planning Authority reason for refusal in full is noted above.

3.2. Other Technical Reports

3.2.1. Environment Section

They have no objection to the proposed development subject to recommended conditions. These include that a Construction and Demolition Resource Waste Management Plan (RWMP) be submitted and details regarding surface water drainage.

Fire Authority

They recommend that the adequacy of Fire Fighting water supply on the site should be dealt with, e.g. in the Engineering Assessment Report.

Roads

The Planner's Report noted that while a referral was made, no response was received from Roads Section.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage

They note that this is a greenfield site and are concerned about potential for archaeological impact. They recommend that an Archaeological Impact Assessment be submitted as Further Information. Should permission be granted, the inclusion of a condition and that archaeological monitoring be carried out.

Inland Fisheries Ireland

The Planner's Report noted that no response was received from them.

3.4. Third Party Observations

There are no Third Party Observations noted on the file.

4.0 Planning History

The Planner's Report notes that there is an extensive planning history relative to the environs of and the units in the Waterford Retail Park, Cork Road, Butlerstown North, Waterford. The following is the most recent application relevant to the subject application:

- ABP-315633-23 (Reg.Ref. 22936) – Split Decision by the Council for in summary an Extension to the retail park comprising five retail units and a stand-alone 3-storey office and/or medical building. This split decision permitted the five retail unit extension but refused permission for a 3-storey standalone medical building to accommodate office and/or medical related uses with all associated ancillary accommodation (totalling 3317sq.m).

The medical building was refused by the Council for the following reason:

It is considered that the proposed standalone 3 storey building to accommodate office/medical related uses situated within a retail warehousing park, which is not served by public transport, would be contrary to the policy provisions of the Waterford City and County Development Plan 2020- 2028, which seeks to direct significant employment development to strategic locations as identified in the Waterford Metropolitan Area Strategic Plan and as contained in Table 4.1 Strategic Employment Locations of the Waterford City and County Development Plan, 2022- 2028. The proposed development if permitted would be contrary to the Core Strategy Strategic. Aims, and policy objectives of the Waterford City and County Development Plan 2022-2028 years, specifically Core Strategy Strategic aims 1 and 12 and policy objectives ECON 10. WCITY 14 which seek to direct new employment areas to strategic locations and in district and local service centres. Thus the proposed standalone 3 story building to accommodate office, medical related uses would be contrary to the policy provisions of the Waterford City and County Development Plan 2020-28 and the planning of sustained growth.'

There was a subsequent First Party Appeal by Monaco Properties Ltd. which related solely to Condition no.2 of the Council's permission, which restricted the use and

range of goods to be sold in the specialist sports and leisure retail unit (unit 14) permitted to be used for the sale of bulky goods as defined in the Retail Planning Guidelines (2012). The Board decision was to retain Condition no.2 i.e.:

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 2 and the reason therefor.

A copy of the Inspector's Report and the Board's decision is included in the History Appendix of this Report.

5.0 Policy Context

5.1. Relevant Government Policy/Guidelines

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy (RSES)
- Climate Action Plan 2024
- National Biodiversity Action Plan 2023 -2030
- Design Manual for Urban Roads and Streets, (2019)
- Traffic and Transport Assessment Guidelines (2014)
- Development Management, Guidelines for Planning Authorities (2007)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

5.2. Project Ireland 2040 – National Planning Framework

National Strategic Outcome 10 refers to Access to Quality Childcare, Education and Health Services.

Health

The development of new healthcare facilities requires that consideration be given to the location, number, profile and needs of the population to ensure access to the most appropriate care, while also ensuring quality of care, particularly in relation to more complex acute hospital services.

Healthcare Services in the Community

Facilitating the transformation of healthcare delivery by investing in ICT infrastructure, to facilitate the flow of information across and within various care settings, and increasing the capacity of primary care, including:

- Provision of primary care centres on a national basis to match population changes including new builds and refurbishments of existing buildings;
- Expansion of community diagnostics and minor surgery.

National Policy Objective 67

Provision will be made for Metropolitan Area Strategic Plans to be prepared for the Dublin, Cork, Limerick, Galway and Waterford Metropolitan areas and in the case of Dublin and Cork, to also address the wider city region, by the appropriate authorities in tandem with and as part of the relevant Regional Spatial and Economic Strategies.

5.3. Waterford Metropolitan Area Strategic Plan

Policy Objective 26 refers to Community Infrastructure:

Community infrastructure including health and education shall be retrofitted where improved facilities are needed for existing communities and shall be provided in tandem with future population growth. An interagency approach to promoting social inclusion is central to the Waterford MASP of which Lifelong Learning and Healthy City initiatives are essential components, subject to the outcome of environmental assessments and the planning process.

5.4. **Waterford Metropolitan Area Transport Area Transport Strategy**

This sets the framework for an accessible high-quality and integrated transport network that provides for the travel demand and supports the sustainable growth of the Waterford Metropolitan Area as a major growth engine for the Southern Region, and an internationally competitive European city region as envisaged by the National Planning Framework 2040.

5.5. **Waterford City and County Development Plan 2022-2028**

Volume 1

Spatial Vision and Core Strategy – Chapter 2

Section 2.1 – Core Strategy Strategic Aims include:

1. *Based on the population/employment targets and policy objectives of the NPF, RSES & MASP, provide a local policy framework to, support development where it is consistent with the principles of sustainable development, and which is applied through planning decisions which are clear, consistent, robust and risk adverse.*
12. *To protect existing employment and promote new employment areas at strategic locations and in district and local services centres across Waterford County.*

Section 2.18 refers to Core Strategy Policy Objectives. This includes:

CS03: Compact growth

In a manner consistent with NPO 34 and 35, we will promote and support an efficient, equitable and sustainable pattern of residential and other development that delivers compact growth and critical mass for sustainable communities in Waterford, by managing the level of growth in each settlement.

Waterford City: The NPF, RSES and MASP - Chapter 3

Section 3 refers to future growth and this includes regard to sustainable development and to Integrated Land Use and Transportation, Housing and Regeneration, Employment and Enterprise and Social Infrastructure.

Strategic Employment Locations Policy Objectives include:

Vibrancy & Vitality: Land Use Mix Policy Objectives - W City 09 – refers to promoting the economy of the city centre.

W City 14: *In a manner consistent with Section 8 of the Waterford MASP (RSES), we will support and facilitate the continued economic expansion of our economy at the key strategic employment locations identified in the Development Plan subject to compliance with the principles of proper planning and sustainable development and the policy objectives and development management standards of the Development Plan.*

Section 3.6.7 refers to Suburban District Centres and Local Shopping

Section 3.6.8 to Retail Warehousing.

Economic Policy - Chapter 4:

Objective EC01 – This includes the following criteria:

We will support and facilitate regeneration, consolidation and growth at strategic employment and nodal locations along strategic public transport corridors, and maximise commercial and employment development opportunities so as to foster more sustainable economic growth, diversity and resilience in accordance with the Core and Settlement Strategies by:

- *Providing appropriate and adaptable zoning and use provisions throughout the city and county;*
- *Maximising the efficiency of zoned lands by advocating for and facilitating the provision, upgrade or refurbishment of necessary and timely supporting infrastructure, sustainable transport opportunities, and utilities.*

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.

Policy Objective Trans 01 seeks to actively support the integration of land use planning and transport subject to a number of criteria. This includes:

- *Ensure that land use zonings are aligned with the provision and development of high quality/capacity public transport systems in a manner that reduces reliance on car-based travel, promotes more sustainable transport choice and co-ordinates particular land uses with their accessibility requirements.*
- *Larger scale, trip intensive developments, such as offices, retail and education, will be focused into central and other locations highly accessible by sustainable transport modes.*
- *Develop a 10-minute neighbourhood framework for all new and existing urban areas across Waterford and map and identify infrastructural requirements to facilitate its implementation.*

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

Section 5.3 refers to 'The 10 Minute Neighbourhood'.

Section 5.4 to Achieving Modal Change.

Section 5.5 to Active Transport: Cycling and Walking.

Policy Objective Trans 09 to Connectivity and Permeability.

Ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future. Access should be also provided to adjoining amenities such as Greenways, Walkways and other recreational areas and have regard to 'Ireland's Government Road Safety Strategy 2021–2030.

Section 5.6 – seeks the provision of quality Public Transport infrastructure. Table 5.5 provides for Transport Modes and to General Public Transportation Policy Objectives. This includes Bus Transportation Policy Objectives.

Section 5.10 refer to Regional and Local Roads/Urban Streets. Policy Objective Trans 50 includes reference to the R710 Waterford City Outer Orbital Route.

Section 5.12 to Mobility Management Plans. Policy Objective Trans 51 refers.

Section 5.14 refers to Car Parking and Policy Objectives Trans 54 – 61 refer. This notes that the Development Management Standards set out in Volume 2 set out the maximum car parking standards.

Section 5.15 – Bicycle Parking and Policy Objectives Trans 62-64 refer.

Utilities infrastructure, Energy & Communication – Chapter 6

Regard is had in Chapter 6 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.

Sustainable Communities – Chapter 7

Section 7.1. refers to Regeneration and Active Land Management. This includes:

The National Planning Framework and the Southern Regional Spatial and Economic Strategy identify 'Compact Growth' as the means to deliver sustainable growth in our urban settlements.

Section 7.21 refers to Health Centres/Services. This includes regard to 'Primary Care Centres' and to University Hospital Waterford (UHW).

Section 7.27 has regard to Sustainable Community Policy Objectives. These include regard to Health Centres/Services Policy Objectives SC20 – SC23.

SC20: Support and facilitate the development of health centres, hospitals, clinics, mental health and wellbeing facilities and community-based primary care centres in appropriate urban areas in collaboration with the Health Service Executive and other statutory and voluntary agencies.

SC23: Encourage the integration of appropriate healthcare facilities within new and existing communities.

Placemaking – Chapter 8

Section 8.3 refers to Creating places that are accessible and connected.

Section 8.7 – Creating Social and Inclusive Places.

Section 8.8 – The 10-minute neighbourhood/community. Objectives include Place 26

To develop a 10-minute neighbourhood framework for all new and existing urban areas across Waterford which allows the everyday needs of people to be met within a safe walking distance of their homes, for example schools, childcare, health services, shops, public transport and parks. We will collaborate with local communities to identify constraints and implement measures to deliver sustainable 10-minute neighbourhoods.

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

Non- Residential Development

Section 5.2 refers to the concept of District/Neighbourhood Centres.

District suburban and Neighbourhood Centres are intended to cater for the daily shopping and service needs of the immediately surrounding neighbourhood, and will consequently be generally small in scale. In dealing with applications in local centres, any analysis should take cognisance of changing shopping trends and the social and economic circumstances of the area.

Development Management Objective DM14 refers to Assessment of Development Proposals in Waterford City, other towns and rural settlements.

Section 5.3 refers to Retail Parks and Retail Warehousing. Development Management Objective DM 16 refers.

Section 5.5 refers to Traffic & Transport Assessment. Development Management Objective DM17 refers.

Parking Standards

Section 7.1 provides that car parking should be provided in accordance with the standards set out in Table 7.1. Regard is had to the section dealing with Land Use – Health and Education Facilities. These include different standards for ‘Hospitals’ and for ‘Medical Clinics & Surgeries’. It also includes a section on EV Charging Points.

Section 7.4, Objective DM40 and Table 7.2 refer to Cycle parking including for public uses.

Zoning

Section 11.1 and Table 11.1 refer to the Land Use Zoning Objectives.

As shown on the Land Use Zoning Map (Volume 4) the site is in an area zoned 'General Business GB'. The Zoning Objective is: *'To provide for and improve General Business uses; this includes suburban district retail and local neighbourhood centres'*.

Table 11.2 provides the Zoning Matrix. A Health Centre/Clinic is 'permitted in principle' in the 'GB' land use zoning.

A Hospital is 'Open to Consideration'

Section 11.1.1 refers to 'Permitted in Principle'

Land uses designated under each zoning objective as 'Permitted in Principle' are, subject to compliance with the relevant policies, standards and requirements set out in this Plan, generally acceptable.

The area (not yet developed) to the north and east of the site is zoned 'CD' – Light Industry/High Technology/Manufacturing Campus Development. The Zoning Matrix provides that a Health Centre/Clinic is not permitted in this zoning.

The Combined Land use map shows the site adjacent to the R710 – Transport Objectives: 4 – Proposed Active Travel &/or Public Transport.

5.6. Natural Heritage Designations

Lower River Suir Special Area of Conservation (002137): 1.7km from the site.

6.0 Screening

6.1. Environmental Impact Assessment Screening

- 6.1.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 6.1.2. Regard is had to Class 10 Schedule 5, Part 2 of the Planning and Development Regulations 2001. This refers to *Infrastructure projects*. The proposal relates to the construction of a standalone 3 storey building to accommodate medical related uses

and all associated accommodation and ancillary works to include car parking and connection to public services on zoned lands within Waterford Retail Park on the Outer Ring Road within the settlement boundary of Waterford town.

- 6.1.3. This is not a residential development but would be considered under Class 10(b)(iv) i.e. Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 6.1.4. The development site area (1.25ha) falls well below the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is a business district, so the 2ha threshold is not applicable.
- 6.1.5. I have given consideration to the requirement for sub-threshold EIA. The site is located on 'General Business' zoned lands within the Waterford County Development Plan 2022-2028 and is not within a designated site. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other developments in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Waterford City and County Council, upon which its effects would be marginal.
- 6.1.6. Having regard to: -
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
 - The location of the site within an urban area and on lands that are serviced,
 - The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
 - The character and pattern of development in the vicinity,
 - The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development",

issued by the Department of the Environment, Heritage and Local Government (2003), and

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

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

6.1.8. Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.2. Screening for Appropriate Assessment

6.2.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

6.2.2. The site is c.1.7kms from the Lower River Suir Special Area of Conservation (site code: 002137).

6.2.3. The proposed development comprises the construction of a standalone 3 storey building to accommodate medical related uses and all associated accommodation and ancillary works to include car parking and connection to public services on zoned lands on a serviced site within Waterford Retail Park on the Outer Ring Road within the settlement boundary of Waterford town.

6.2.4. No nature conservation concerns were raised in the planning appeal.

6.2.5. No streams/watercourses are identified on site.

6.2.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The nature of the works proposed which are located on serviced lands.

- The distance to the nearest European sites, and the absence of any hydrological or other pathways.

I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A First Party Appeal has been submitted by BMA Planning and Development Consultants on behalf of the applicant, Monaco Properties Ltd. This seeks to address the Council's decision to refuse permission and their Grounds of Appeal include the following:

Proposal and Planning History

- The building is a high-quality building of contemporary design and is designed to present a strong presence to the Outer Ring Road. They refer to the Design Statement submitted.
- They submit that there is ample onsite parking provided for the current and permitted developments. Reg.Ref. 22/936 was then under appeal to the Board ABP-315633-23 relates.
- They wish to appeal the decision of the Planning Authority and have regard to further restrictions to the nature of the use to limit potential occupants to types of medical uses that are deemed more comparable with the subject site.
- A copy of the Council's Notification of Decision is attached as Appendix A of their Report. They refer to the Planner's Report and seek to address their reason for refusal.

- The substantive issue is the principle of the use. They consider that other issues referred to are points of detail and the applicant is satisfied that these are matters that can be satisfactorily addressed by way of conditions attached to a grant of permission.

Their Grounds of Appeal include the following:

Condition Restricting the permitted use

- The applicant is willing to accept a condition that more closely defines the permitted use and therefore they ask the Board to consider a suggested condition, or a condition of a similar nature. They provide the text for such a condition.
- They note that Section 2.2 of their Appeal Statement provides further details and planning rationale for the exclusion of Primary Care/GP uses as proposed in their suggested condition. Sections 2.3, 2.4 and 2.5 detail the nature of the uses proposed to be accommodated and the planning rationale for same.

Planning Rationale for Exclusion of Primary Care Centre (or GP) uses

- The applicant accepts the Planning Authority's concerns that the general classification of 'Medical and Related Uses' (Class 8) covers a very broad range of medical facilities and therefore, it is reasonable to exclude the type of services that are appropriately delivered at the level of the neighbourhood.
- They note that Section 7.21 of the Development Plan – Health Centres/Services – supports the distinction made in this appeal between community Primary Care Centres and other facilities that are part of a regional level of provision.
- They have regard to the concept of a 'Primary Care Centre' – a team of health professionals who work closely together to meet the needs of the people living in the community. They provide a single point of contact to the health system.
- They provide a list of Primary Care Team services. The aim of the Primary Care Team is to provide primary care services that are accessible, integrated, of a high quality and which meet the needs of the local population.

- They provide that in addition to HSE Primary Care Centres there are also examples of private Primary Care Centre facilities which a similar group of practitioners operate in a single building providing a more coordinated approach to local service provision. Noting that there are numerous such private/medical/GP practices throughout Waterford City.
- While it was never the applicant's intention that the proposed building would accommodate a Primary Care Centre (HSE or private enterprise), as per the suggested condition, the applicant accepts that the subject site is not the appropriate location for a Primary Care Centre and hence it is reasonable that this is enshrined in the permission granted.

Demand for Regional Healthcare Facilities of the Type proposed in Waterford

- The two market sectors to be accommodated by the proposed building are:
 - (a) Regional Healthcare Clinic by Private Healthcare Provider
 - (b) Surgical Daycare Centre
- Both are integral to the Irish Government's policy framework and, depending on the demand of a particular point in time, it is possible that the building could facilitate elements of both.
- A general overview is provided in relation to the role of these types of facility within the context of the overall range of health services under the auspices of the Health Services Executive (HSE) or private operators and in particular, the need in Waterford City for suitable commercial floorspace to be provided to cater for this where no suitable accommodation or buildings currently exist.
- They refer to and provide details of the Government's *Sláinte Care* strategy. Noting that specialised healthcare services are not day to day services. That they are services that are delivered at a regional level and generally involve one off treatments and diagnostic services or treatments for serious illness that, for most people, maybe once in a lifetime.
- They provide that the Government encourages such collaboration between the public healthcare system (HSE) and private healthcare providers to optimise healthcare delivery and resource utilisation.

- That as in many other commercial sectors Waterford is lagging behind and needs the healthcare facilities and needs developers to be the catalyst to make them happen in a timely fashion.
- The preferred form of accommodation is new-build and bespoke such as proposed in this application.
- The proposed building could be delivered in less than 9 months from the agreement of commercial terms with an operator of the type they described in Section 2.4 of their Appeal.
- The purpose of this application is to take a suitable building to the market that can suit a multiplicity of needs in the two market sectors identified above.

Regional Healthcare Clinics by Private Healthcare Providers (Scenario 1)

These are described as follows:

- (1) Healthcare Clinics provided by Health Insurance Providers and Private Hospitals.
 - (2) Diagnostic Centres and MRIs provided by Health Insurance Providers and Private Hospitals.
- They note that these can be typically walk in facilities, state of the art diagnostic facilities and provide details of such. Referring to the Affidea Medical Screening clinic on the Dunmore road, as being a modest one.
 - They note the range of services and facilities that can be provided in these medical centres all of which would connect with a compliment the core urgent care use.
 - Details are provided of similar facilities throughout Ireland and these are included to demonstrate the suitability of the building proposed and the location setting within a retail/business park environment.
 - They provide a list of such and note that there are no VHI and Laya Centres in Waterford at present and they are not aware of any planning permissions extant of in the pipeline which could accommodate them.
 - In terms of the diverse range of private hospitals in Ireland, many of these currently have clinics remote from the main hub and outreach centres.

- UPMC is the only private hospital operating in Waterford and indeed the South East (UPMC also own AUT EVEN Hospital in Kilkenny) and is located only 600m from the applicant site (they include a location map). They note correspondence from UPMC who may have an interest in the proposed building, (Appendix B refers).

Surgical Daycare Centres (Scenario 2)

- This is the second scenario for the proposed buildings which is an emerging concept 'surgical hub'.
- These facilities can be directly associated with or otherwise affiliated with a major hospital public or private and they provide details.
- Most of the regional public hospitals also have surgical daycare services/wards and a trend in this sector is also moving towards having off campus surgical daycare centres or clinics.
- They refer to University Hospital Waterford (UHW) as a major public hospital serving the southeast region which presents a significant demand and opportunity for this type of facility.
- They refer to other such hubs that have located off main hospital campuses such as *Reeves Day Surgery in Tallaght*.
- They refer to the Government's intention to develop an additional 5 Day Surgery Hubs in Dublin, Cork, Limerick, Galway and Waterford within 12-18 months.
- Waterford/UHW is a candidate location for such a facility and the grant of planning permission for the proposed building could expediate the delivery of this much needed facility for Waterford.
- They also refer to a range of private hospitals that have separate Surgical Daycare Centres on site of the main hospital or remote from the main hub.
- They provide that this possibility exists here also, particularly in terms of the UPMC.

Health Centre/Clinic Use

- The Development Plan reflects this is the 'General Business' zoning objectives. They note that these are set out in Table 11.1 of the Plan and should be read in conjunction with the Land Use Zoning Matrix (Table 11.2). That the 'GB' zoning has a *Health Centre/Clinic as permitted in principle*.
- It is inevitable that the retail warehousing park will evolve into a more mixed-use precinct over time. They submit that the proposed use is compatible with the 'General Business' zoning objective.

Policy response to Council's Refusal

- They note that a number of Development Plan/Planning Policies referenced in the WCCC refusal are referred to in the Planning Authority's assessment and refusal reason and provide that each of these Development Plan policies and objectives are addressed.
- They refer to CS03 Core Strategy objective and consider that the site is within the established Waterford City boundary and that there is no conflict with this policy.
- They refer to 10 Minute Neighbourhood Policy Objective – Place 26. They consider that this refers more to a Primary Care Centre/GP type facilities that tended to be located within the communities that they serve. That the proposed development is not inconsistent with the Planning Authority's objective to deliver sustainable 10 minute neighbourhoods. Fig. 8.3 refers. That the catchment for the proposed development in either scenario presented will be the entire Southeast region and the '10 minute neighbourhood' should not be a basis for refusal.

Health Centres/Service Centre Policies – SC20 and SC23

- They consider that Policy SC20 is relevant to the development and seeks to support the development of health centres, clinics etc.
- Policy Objective CS23 is very general in nature but is positive towards encouraging integration of 'appropriate healthcare facilities', and is not a basis for rejection of the current proposal.

- Section 7.11 does support the case made in this appeal and they provide details. In such cases, the proposals are not constrained or dictated by these policies and can be considered on their merits.

MASP Policy Objective 26

- They submit that the Waterford MASP Policy Objective is general in nature and is not directly applicable or helpful to the determination of the current appeal now before the Board.
- They are concerned that Waterford City needs to step up to its role as capital of the region and that failure to do so will see Waterford lag further behind the other 4 major cities.
- MASP policy is a mandate for significant investment in Waterford's regional healthcare infrastructure. This is what the current application is seeking to deliver and the applicant asks the Board to agree with the appeal submission and grant permission.

Accessibility of the Subject site by Private and Public Transport Routes

- The vast majority of the visits to medical facilities of the type of those intended for the proposed building will be by private car. In this aspect the road connections to the proposed development are suitable and ample parking can be provided.
- There are also public transport options to access the site and future proposals to upgrade the Cork Road with enhanced public transport provision.
- Consideration has also been given to accessibility by foot and bicycle. The DBFL *Traffic and Transport Assessment* contains details of these routes. They refer to this and include a table 'Daily Frequency for all bus routes'.
- The DBFL's Report also highlighted that the NTA have committed to establish 2 new bus routes. They provide details of this and refer to recommendations for the Orbital Bus Network service, which will link Waterford University Hospital, SETU and Carrickpherish on the Outer Ring Road.
- They provide details of the R680 Regional Route and note the Council intends to extend the 'Green Route' along the Cork road corridor.

- The subject site is very convenient and accessible by car and is well located to available of a range of public transport and other sustainable projects existing and planned.

Parking

- The Waterford Retail Park has ample parking provisions existing with further parking proposed as part of the phase 2 development and there is scope of adjust the parking layout, allocation and management arrangements to suit any potential or likely scenario.

Conclusion

- On the basis of the information they have provided, they request the Board to overturn the Council's decision to Refuse permission for the proposed medical facility.
- They include their suggested condition regarding restriction on the proposed usage of the facility.

7.2. Planning Authority Response

There is no response from the Planning Authority on file.

7.3. Observations

There are no Observations noted on file.

8.0 Assessment

8.1. Introduction

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

- Planning Policy Considerations
- Planning History

- Limitations on Usage
- Design and Layout
- Access and Parking
- Accessibility issues
- Drainage issues
- Archaeology

8.2. Planning Policy Considerations

- 8.2.1. 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.* Section 10.2 includes regard to Metropolitan Area Strategic Planning and the preparations of such strategic plans (MASPS) for the five co-ordinated metropolitan areas which include Waterford. Noting that the MASPs will be provided with statutory underpinning to act as 12-year strategic planning and investment frameworks for the city metropolitan areas, addressing high-level and long-term strategic development issues. It is of note that National Strategic Outcome 10 refers to Access to Quality Childcare, Education and Health Services.
- 8.2.2. 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 driver of 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. The RSES includes Section 7.1.2 which has regard to Healthy Communities. This includes support for the provision of universal health services and primary healthcare centres. In this respect Objective RPO 177 provides that it is an objective to improve access to quality Childcare,

Education, and Health Services. In addition, Objective RPO 178 provides for the provision of Universal Health Services.

- 8.2.3. The site is located within Waterford Retail Park on the western edge of outer ring road R710. It is on land zoned for 'GB' General Business in the Waterford City and County Development Plan (WCCDP) 2022-2028. The Objective is: *To provide for and improve General Business uses: this includes suburban district retail and local neighbourhood centres.* Table 11.2 of Volume 2 of the WCCDP 2022-2028 provides the Zoning Matrix. It is noted that a Health Centre/Clinic is 'Permitted in Principle', within this land use zoning. The site is currently greenfield and undeveloped.
- 8.2.4. There, is a small area in the northern part of the site is within the 'CD' land use zoning i.e for Light Industry/High Technology/Manufacturing Campus Development. As noted on the Zoning Matrix, a health centre/clinic or a hospital are not permitted uses, within this zoning. Having regard to the Site Layout Plan this area appears to relate to the land shown to the north of the proposed internal access road, that leads from the service road to the subject site. While marginally within the red line boundaries of the subject site, this area of land is not included within the layout/footprint proposed for the medical block and parking area. The Site Layout Plan shows that an attenuation area is shown therein.
- 8.2.5. In summary the Council has refused permission for the proposed development because of its locational context, within a retail warehousing park, remote from centres of population and which is not served by public transport. They contend that it would be contrary to a number of policies and objectives which seek to promote compact growth and create '10 minute neighbourhoods' and directing health care/medical uses to appropriate urban locations within new and existing communities. Specifically, they refer to: Core Strategy Objective CS03 and Policy Objectives Place 26, Health Centres/Services Policy Objectives SC20 and SC23 (which are quoted in the Policy Section above). They also consider that its locational context would be contrary to the strategic goals and policies in MASP including objective 26 which refers to Community Infrastructure.
- 8.2.6. The First Party Appeal seeks to address the Council's reason for refusal and provides a discussion relative to the aforementioned policies. They contend that the proposal was originally favoured to be more positive and that the proposed location

is suitable for the proposed use. They provide a list of reasons relative to the contemporary high-quality purpose-built building, convenient access and parking facilities, lack of suitable commercial accommodation for the medical block, proximity to hospitals, UHW and UPMC private hospital. They suggest a condition for consideration relative to restrictions for the type of proposed medical usage.

- 8.2.7. I would note that the substantive issue in this case is relative to the proposed use, having regard to the locational context of the subject site. Regard is had to the First Party Rationale for the proposal in this Assessment below. It needs to be ascertained that the use to be provided as noted in the details submitted would address the Council's reason for refusal. Note is also had of locational context, design and layout, accessibility, parking and public transport links.

8.3. Planning History Considerations

- 8.3.1. Regard is had to the Planning History Section above. This referred to (Reg.Ref. 22936) – Split Decision by the Council for in summary an Extension to retail park comprising five retail units and a stand-alone 3-storey office and/or medical building. The medical/office building was then refused by the Council. A subsequent appeal to the Board (Ref. ABP-315633-23) was solely against condition no. 2 which referred to a restriction on the use of the specialist sports and leisure retail unit (Unit 14) and the inclusion of this condition was upheld by the Board. Therefore, the extension to the Retail Park to provide for five additional units has been granted, although not yet commenced. The First Party Appeal did not then contest the Council's refusal for the medical/office building.
- 8.3.2. As has been noted, Waterford Retail Park, is an established Retail Park located on the R710 Outer Ring Road (ORR)/ the main Cork Road (R680) junction in Waterford City. The overall Waterford Retail Park site is accessed from the Outer Ring Road to the west and there is a service access from the R680 Cork Road to the south. The current application site is located to the northwest of the existing retail park lands. The area of the previous application site (3.56ha) overlapped but was larger than that of the current application site (1.25ha).
- 8.3.3. The proposal for the subject site is relevant to the proposed standalone medical block and the parking area. Details submitted noted that the location and scale of the

building is the same as that shown in the recent application Reg.Ref. 22/936. As part of that Notification of Decision, a “office/ medical building” on the current application site was refused for the stated reason that in summary the office / medical use was not served by public transport and that it was contrary to policy to locate ‘new employment areas to strategic locations and in district and local service centres’ (ECON 01, WCITY14). It is submitted that in view of the concerns regarding office or employment uses at this location in the previous application, the current application is for a medical use only and the option for office use is no longer sought.

8.4. Limitations on Usage

8.4.1. The applicants provide that Waterford Retail Park is a suitable location for a Medical Centre/Day Surgery Centre of the nature and scale proposed for reasons relating to:

1. High quality purpose-built building with good profile and visibility from the Outer Ring Road.
2. Convenient access within the City and with good access from N25 serving the wider region.
3. Proximity to Waterford Regional Hospital and Whitfield Hospital with convenient access on Outer Ring Road.
4. Convenient parking facilities and accessibility by public transport

8.4.2. It is noted that the Planning Authority was concerned as to a lack of clarification regarding the proposed use of the Medical Block. The Planner’s Report was concerned the insufficient information was submitted with the application regarding the proposed ‘Medical Related Use’.

8.4.3. The First Party Appeal has provided a detailed response and provides that accommodating the demand for public and private healthcare services across the country has resulted in an increase in the number of buildings required to house them. That, therefore, modern commercial buildings of the type proposed are vital for their role and will increase over time. They provide a list of facilities and note case studies throughout the country to illustrate the suitability of the building proposed and the location setting within a retail/business park environment. They note that there are no VHI and Laya Centres in Waterford at present. They consider that in planning

terms, the proximity of the subject site, the profile of the site from the Outer Ring Road, the availability of convenient access and parking and, most importantly, the cost and time efficiency involved in securing a 'ready to go' building from a developer with a track record of delivery makes the proposed building a very attractive option.

- 8.4.4. It is contended, that while the end user is not known at this stage, there are a number of potential public and private medical operators in this sector such as VHI and Laya Healthcare. That the Government's Slainte Care strategy seeks to shift the provision of non-complex healthcare from acute hospital settings into integrated primary and community-based care facilities. This has resulted in an increase in the number of Clinics offering immediate access to those seeking urgent care for minor surgical treatments and those seeking specialist outpatient services.
- 8.4.5. While it has been noted in the Zoning Matrix of Volume 2 of the WCCDP 2022-2028, that a 'Health Centre/Clinic' is 'permitted in principle' within the 'GB' General Business land use zoning, this is subject to compliance with the relevant policies, standards and requirements set out in the Plan. The Council's reason for refusal has regard to compliance with such policies and objectives.
- 8.4.6. The First Party Appeal sets out their grounds as to the proposed medical use being appropriate for this site. They provide that the applicant is willing to accept a condition that more closely defines the permitted use and therefore they ask the Board to consider a suggested condition, or a condition of a similar nature. They provide the text for such a condition.
- 8.4.7. Should the Board decide to permit they suggest the following type of condition for consideration:

The permitted use shall not include a Primary Care Centre facility or any use that includes General Practitioner (GP) services to the community.

The use of the proposed building shall be limited to:

- (a) A regional Healthcare Clinic operated by a private healthcare provider (ie. private medical clinic for accident and emergency, minor surgery, diagnostics and other specialist consultations and treatments), and/or*
- (b) Surgical Daycare Clinic associated with a major hospital (eg. University Hospital Waterford (UHW) or Whitfield (UPMC))*

Prior to the first occupation of the building, the applicant shall submit

- (i) Details of the end user (including floor plans) for the written agreement of the Planning Authority*
- (ii) Details of car parking layout and a management strategy for the subject development to provide for the staff and visitor parking requirements of the end user*

Reason: In the interest of proper planning and sustainable development.

- 8.4.8. The First Party contend that this condition defines the use in what would be understood by a layman but also enforceable from a planning perspective with reference to the exempted development classes in the Planning and Development Regulations 2001 (as amended). In this respect it is noted that Class 8 of Part 4 refers to use:- *(a) as a health centre or clinic or for the provision of any medical or health services (but not the use of a house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose).*
- 8.4.9. Regard is had to the Development Management Guidelines 2007. Chapter 7 'Drafting Planning Conditions/Reasons for Refusal. Section 7.3 provides 'Basic criteria for conditions' and includes that they be '*Necessary; Relevant to Planning; Relevant to the development to be permitted; Enforceable; Precise; Reasonable.*' This includes: *In addition, it is useful before deciding to impose a condition to consider what specific reason can be given for it: if the only reason which can be framed is a vague, general one, the need for or relevance of the condition, or its validity, may be questionable.*
- 8.4.10. Having regard to the First Party appeal there does appear to be a specific reason for the inclusion of such a condition i.e. to try to restrict the use of as shown on the Site Layout Plans, of the Medical Blocks A and B. However, I would question whether the inclusion of such a condition would be enforceable or reasonable. I note that part (a) refers to a private healthcare provider and (b) to it being associated with a major hospital. As submitted in Appendix B of the Appeal there is a letter from UPMC Hospital Whitfield, which is c.650m southeast of the site on the Cork Road (R680), which includes their general support for the proposal. This is a private healthcare facility and there is no such letter of support from University Hospital Waterford, which is located further away from the site.

8.4.11. I would consider that this condition is overly specific and could be considered that it would not be reasonable and that private health care providers are being specified. Also, that it maybe difficult for the Council to enforce. If the Board decides to permit, I would only recommend the inclusion of the second part of this condition as noted above i.e. *Prior to the first occupation of the building,...*

8.5. Design and Layout

8.5.1. The Site Layout Plan shows the site boundary in red and that of the surrounding landholding to the north and east of the existing Retail Park and parking area, in blue. It is noted that the site area is greenfield at present and is to the north of the existing carparking area. The R710 Regional Road is to the west of and provides access to the site. The internal service road adjoins to the southwest of the site, with service access from the R680 (Cork Road).

8.5.2. Details submitted provide that the existing greenfield site slopes downwards c.3.5m from the south-western boundary (adjacent to the R710) to the north-eastern boundary and c. 5m from the south-western boundary (adjacent to the R710) to the northern boundary. Therefore, as noted the site is lower than the road.

8.5.3. A Summary of the Key Elements for the proposed development is provided in the Design Statement is as follows:

- Construction of 1 No. Three-Storey Medical Block
- 1 No. ESB Unit Sub-Station / Kiosk
- 102 No. Car Parking Spaces (Including Provision for EV / Disabled Spaces)
- 60 No. Covered Bicycle Parking Spaces
- Associated Landscaping
- Internal Road Construction and General Site Works
- Building Signage as Indicated
- Surface Water Attenuation Area and Associated Works
- Bin Store and Services Enclosure
- Ancillary Site Activities

Medical Block

- 8.5.4. The design rationale and details are presented in the Design Statement (CJ Falconer Architects). This notes that the materials proposed for the new development are consistent with the approach to both the existing buildings within the vicinity of the Waterford Retail Park, in addition to the existing development within the retail park. The area proposed for the medical block is adjacent to the northwestern entrance to the site. The subject lands to the north of the existing retail park are currently undeveloped. They appear relatively low lying, lower than the level of the R710, Outer Ring Road. The entrance to the existing retail park which is from this road is also to serve as the access to the site. There is a large freestanding sign advertising the existing units at this entrance. Separately there is also a southern service access to the R680. Regard is had to Access and Circulation in the appropriate section below.
- 8.5.5. The proposed standalone 3 storey medical block is shown located at the northwestern corner of the subject site adjacent to the Outer Ring Road (R710). The building is to be designed as two separate blocks served by a single circulation development consists of a standalone 3 storey building to accommodate medical related uses with all associated ancillary accommodation (3,490sq.m. g.f.a). As shown on the plans submitted the Medical Building is to comprise two wings over three storeys and set around a central core. Each wing is to have a floor plate area of 584m² and 326 m² on each storey with an overall g.f.a of 3,484 m². The Floor Plans provide limited information regarding the proposed usage of the adjoining medical blocks as A and B. It is proposed to have a general entrance area and stairs and lift to the floors. Toilet Facilities are shown provided in the central core area. It is noted that the floor plans do not show a breakup of overall floor areas per floor i.e. to provide e.g. consulting rooms etc.
- 8.5.6. The Design Statement provides that the proposed development seeks to provide continuity with the existing development in the Retail Park in terms of scale, and material treatment. That the proposed floor levels indicated for the new development have been established in order to provide relative continuity with the existing retail park and associated ground levels. The newly finished ground level will be gently sloped to meet the hard surfacing established within the existing development. The finished ground floor level for the proposed three storey Medical Block is given as

+23.15. As shown on the elevations, described as 'Medical/Clinical units' the proposed block is to be 13.5m to parapet height. The overall length of the block is shown as 33.79m. This is higher than the Retail Park units and in view of its locational context closer to the road frontage with the R710, the bulk height and mass of the proposed block will appear more prominent in the landscape.

8.5.7. A Schedule of Accommodation is included in the Design Statement submitted.

This refers to floor area and is replicated below:

Element	Floor Area Gross Floor Area in m²
Medical Block – Block A	1,752 m ² (584 m ² per floor – 3 storey)
Medical Block – Block B	978 m ² (362m ² per floor – 3 -storey)
Medical Block Core (including entrance / circulation / stairs / toilets & showers / storage), Escape Stairs & Plant Room	754.4 m ²
Total Floor Area – Medical Block	3,484 m²
ESB Unit Substation/Kiosk (To ESB Specification)	5.72 m ²
Total Floor Area – Medical Block & ESB Unit Substation /Kiosk	3,490 m ² (Rounded 3,490.12 m ²)
Element	Total
Total No. of Car Parking Spaces	102 no. Car Parking Spaces Comprising of: 1 No. Combined EV/Disabled Parking Bay 19 No. EV Parking Bay 5 No. Disabled Parking Bays

	77 No. Standard Parking Bays
Total No. of Covered Bicycle Parking Spaces	60 no. covered Bicycle Parking Spaces

8.5.8. The First Party provide that the building will be high quality contemporary design and is designed to present a strong presence to the Outer Ring Road. Reference is also had to the design precedent set by the existing buildings in Waterford Retail Park. Noting that the elevational treatment is to comprise of metal wall cladding systems and aluminium glazed curtain walling and, in terms of colour and texture, and echoes the jura limestone cladding treatment partially installed to the nearby UPMC Whitfield private hospital (Figure 2.4.3 of the Design Statement refers).

8.5.9. It is submitted that the selection of appropriate materials and systems will contribute to the lifetime sustainability of the development, with a focus on robustness, effectiveness and quality. I note that this is a prominent site and if the Board decides to permit, I would recommend, the inclusion of a condition regarding the provision of quality external finishes to be agreed.

Signage

8.5.10. Building signage will be required and it is proposed that this be installed to the cladding on the façade of the Medical Block as indicated on the drawings submitted. This is to include built up or flat lettering/logos fixed to façade to match existing (non-illuminated).

Landscaping

8.5.11. The proposed hard and soft landscaping treatment seeks to provide continuity with the existing development in terms of allocation, scale, tree planting species, colours and textures. Regard is had to the proposed Landscape Plan submitted. It is proposed to provide silver granite paving and noted that new grassed areas will be installed in a similar manner to the existing development and new tree planting to match the existing species. That a post and wire fence with green beech hedging is to be installed to the top of the retaining wall located to the rear of the Medical Block, to form a natural guarding. That the existing tree planting to the outside of the roadside boundary wall adjacent to the R710/Outer Ring Road is also to be

maintained/augmented if as required to match the existing species installed in this location which comprise of Hawthorn and Hazel. Figures showing existing planting in the car park area and along the access routes are included.

- 8.5.12. If the Board decides to grant, I would recommend that a landscaping condition be included.

Other issues

- 8.5.13. The Design Statement refers to Facilities Management. This provides that Monaco Properties has already agreed that the existing facility managers for the Waterford Retail Park – Bannon Facility Managers, will also act as facility managers for the Medical Block thus ensuring continuity in general operations, and also in relation to maintenance / lighting / waste management / security / litter / landscaping. That this ensures that the appropriate procedures are in place to maintain the proposed development in the long term.
- 8.5.14. A dedicated water storage area is to be provided to accommodate the Medical Block and reference is provided to the drawing submitted. That it is intended that the occupants will ensure that waste is segregated with an appropriate volume dedicated to recycled waste in line with good practice.

Conclusion

- 8.5.15. I would note that the existing units in Waterford Retail Park are well set back within the site. That the proposed 3 storey building will be seen in the context of the retail park and parking area but will appear more prominent in the wider more open undeveloped landscape and as seen from the R710. There is a lack of clarity as to the usage in view of the lack of detailed floor plans. It is noted that there is a cluster of car showrooms/associated garages and a hotel, and petrol station further south of the existing Waterford Retail Park, accessed via the R680 (Figure 1.1.1 of the Design Statement refers) located some distance to the south. However, that the subject site area in general is closer to what is now open countryside, albeit undeveloped zoned land.
- 8.5.16. The site is not located in a neighbourhood or district centre. It is important to ascertain that the proposed development, which in view of its locational context will appear visually dominant in the landscape can be seen as integrated within the

zoned land use and the wider local area and be in the interests of the proper planning and sustainable development.

8.6. Access and Parking

- 8.6.1. The existing vehicular and pedestrian entrance access point from the R710/Outer Ring Road is to remain unchanged. This T-junction operates as a left-in / left-out junction arrangement. General traffic, pedestrians and cyclists can gain access to the proposed development via the existing retail park access from the R710. A second access is available on the R680 Cork Road corridor which is designated as a HGV and other service/delivery vehicles access. Cyclists and pedestrians can also utilise this access to gain access to the retail park.
- 8.6.2. The Design Statement submitted provides that the proposed main entrance to the Medical Block is facing outwards towards the carpark area, with pedestrian pathways and crossings provided to permit the continuation of the existing access and circulation throughout the retail park and is convenient to the end user. Section 2.10 refers to Accessibility and provides that this is to be provided in accordance with current standards.

Traffic and Transport Assessment

- 8.6.3. A Traffic and Transport Assessment (DBFL) is included with the application. Section 2.3 has regard to the Existing Transport Environment this includes the road network in the area. The subject site is bound to the west by the R710 Outer Ring Road. This dual carriageway begins at University Hospital Waterford and travels around the edge of the city, connecting to the N25 national road at Carriganore, in the vicinity of the subject site the R710 is subject to a speed limit of 80km/h. The R680 Cork Road lies to the south of the subject site. This regional road has one lane of traffic travelling in each direction and is subject to a speed limit of 60km/h approaching the subject site. However, as has been stated in the TTA, vehicular access is from the R710 dual carriageway to the west of the site, which is within the 80km/h speed limit.
- 8.6.4. It is submitted that the purpose of this TTA is to quantify the existing transport environment and to detail the results of assessment work undertaken to identify the potential level of any transport impact generated as a result of the proposed development. It refers to related sustainability issues including means of vehicular

access, pedestrian, cyclist, local public transport connections and examines the location of the site for use as a medical facility as opposed to the previous application for office/or medical related use. The TTA submits that the principal objective is to quantify any level of impact across the local road network and to subsequently ascertain both the existing and future operational performance of the road network.

- 8.6.5. Details are provided of the Methodology in the TTA and they provide that their approach to the study accords with policy and guidance at both national and local level, having regard to best practice, current and emerging guidance. Reference is had to the Traffic and Transport Assessment Guidelines and the WCCDP 2022-2028. They note that their methodology incorporated a number of key inter-related stages and details are given of these i.e. Site Audit, Development Framework, Subject Site Location Suitability Assessment, Traffic Counts, Trip Generation, Trip Distribution and Network Analysis.
- 8.6.6. Access to the site is currently predominantly car dominated, and this is discussed further in the information given in the TTA relative to existing and emerging transport proposals to expand accessibility/mobility and integration in the vicinity of the site. Section 3 has regard to Policy Framework and Development Management Standards. This includes note of the Waterford Metropolitan Area Draft Transport Strategy and the Transport and Mobility Policy Objectives in the Waterford City & County Development Plan 2022-2028. Reference is also had to the Development Management Standards as regards Car and Cycle Parking.
- 8.6.7. Section 4 notes the Characteristics of Proposals noting that the subject site is ideally situated in terms of access to strategic roads accommodating patients travelling from locations across the South East Region. This notes that the TTA assumes that all staff/customer traffic generated by the subject development will access/egress the retail park via the Outer Ring Road left-in/left-out junction (Figure 4-2 refers). They also note that the owners of the Phase 1 Retail Park are planning to lodge a separate application for the upgrade of the existing service access to allow for a formal access/egress at this location for all staff and customers travelling to/from the retail park.

8.6.8. They note that typically medical use buildings around Ireland share principal location and accessibility characteristics including:

- Being located in suburban areas within Dublin and Ireland's next largest provincial cities;
- Immediately adjacent to National / Regional Roads which offer ease of access; and
- Located within, or immediately adjacent to major retail park developments.

8.6.9. They submit that the current proposal fulfils these characteristics Table 4-1 of the TTA refers. They provide details of other similar types of development around the countryside which comply with these characteristics. They contend that the proposed site is ideally positioned.

Parking

8.6.10. Section 4.3 of the TTA refers to Parking Provision. On site parking is to be provided as part of a shared arrangement in the large surface car park shared with the Retail Park and they provide that ample parking is available for the proposed development. As noted permission has been granted to extend the retail park to include an additional 123no. parking spaces and 2no. motorcycle spaces (resulting in 997 spaces in total for the Waterford Retail Park). The public notices, note that the current application is to provide for an additional 102 parking spaces and these were also part of the car park extension (123no. spaces) proposed under Reg.Ref. 23/936 was then under appeal to the Board ABP-315633-23 relates.

8.6.11. It is noted that the provision of 102 no. car parking spaces is 28no. spaces below the maximum allowable 130 no. spaces for the proposed development as per the WCCDP 2022-2028. They refer to surveys conducted and consider that there is ample parking between the existing (874 spaces) and proposed carparking (102 spaces) to cater for the proposed development and the retail units. They note proposals to include the provision of 20 no. car parking spaces equipped for charging an electric vehicle.

8.6.12. The current application includes the section of carparking adjacent to the Medical Block. It is submitted that it will be capable of being implemented either on a standalone basis on foot of this application or in conjunction with the Retail Park

Phase 2 (Reg.Ref. 22/936). There is some overlapping of spaces and on a standalone basis, the total carparking in the Phase 1 (874 spaces) together with the current application (102 spaces) would increase the overall parking to 976spaces.

8.6.13. The First Party provide that a formal agreement is in place (letters have been submitted) between the owners of the Phase 1 units and the Phase 2 site owned by the applicants. That there has been some overprovision and that there would be some element of shared parking available, relative to the use of the retail units and the proposed medical block. That the development will also provide for EV/disabled space.

8.6.14. Details of Cycle Parking are given in Section 4.3.2 of the TTA. As shown on the Site Layout Plan, covered bicycle parking has been provided, as deemed appropriate to the needs of the proposed development.

8.6.15. It is noted that the proposed bin store, services enclosure and ESB sub-station/kiosk are to be accessed via a service roadway located to the northwest of the proposed building. This internal access road has been permitted as part of the previous application Reg.Ref. 22/936 refers.

Trip Generation and Distribution

8.6.16. Section 5 of the TTA seeks to assess the operation of the proposed road network and its future capacity. Noting that in order to analyse the potential impact of the subject development proposals on the local road network, a trip generation and distribution exercise based on anticipated travel patterns of the proposed Medical Block was undertaken. This refers to traffic surveys and modelling carried out. Trip distribution and traffic growth relates to both the existing and future retail units and the proposed medical block. The trip generation exercise demonstrates that the proposed development could potentially generate 84 and 110 two-way trips during the local network's AM and PM peak periods respectively.

8.6.17. Section 5.8 of the TTA notes that the TII document 'Traffic and Transport Assessment Guidelines' (2014) provides thresholds in relation to the impact of the such development upon the local road network. Junction analysis of the local road network was undertaken. That they based this calculation for the analysis upon the 2025 Opening Year and the 2030 and 2040 Future Design Year scenarios. They refer to Table 5-5 and to Figure 5-2 'Network Impact through Key off site junctions'.

- 8.6.18. Section 6 provides a network analysis and notes the use of computer packages such as PICADY for the site access, priority-controlled junction. An analysis is had of 'Junction 2' which refers to 'Existing Retail Park Entrance Junction Assessment.' Section 6.3 provides a Junction Assessment Summary, which provides that the existing junction off the R710 will operate within capacity for both the retail units and the proposed medical block, including in the future design years.
- 8.6.19. Section 7 provides the Summary Conclusions. This notes the findings of the TTA. This includes regard to the suitability of the proposal to the 'GB' General Business zoning objective, good public transport links and future bus network improvements. Regard is also had to the planning history (Reg.Ref. 22/936 relates) noting that the current application only refers to the use as a 'medical building' with no office element now proposed. They submit that there will be sufficient car parking both existing and to be provided. They refer to a future separate application which includes for the formalisation of the Cork Road access as an additional customer access/egress. Noting that this can be implemented with or without the upgrade of the Cork Road junction.

Conclusion

- 8.6.20. The TTA concludes that based on the information submitted that it has been demonstrated that the impact on the surrounding road network as a result of the proposed development will not materially impact on the operational performance of local junctions. That this is based on the anticipated levels of traffic generated by the proposed Medical Block and the information and analysis summarised within this report. They provide that the proposal will not result in a material deterioration of road conditions above that predicted in the scenario where the subject development is not impacted and as a result that there are no significant traffic, transportation, location or road safety related reasons that should prevent the consideration and ultimately the granting of planning permission for the proposed development.
- 8.6.21. The Planner's Report is concerned that sufficient information has not been provided on the proposed use, e.g. as to the lack of detailed floor plans, type of use, whether there will be consulting rooms etc. so that it is difficult to establish the parking requirements in accordance with Section 7.2 and Table 7.1 - Car Parking Standards

of Volume 2 of the WCCDP 2022-2028. It is noted that there is no response on file from the Council's Roads Section to the proposed development.

- 8.6.22. On site I noted that there is an amount of surface parking relative to the retail units and some of this is underutilised. However, regard also needs to be had to the recently permitted extension to the retail park to facilitate 5no. additional units in conjunction with the overlapping parking for the proposed unit. Also, it is noted that in view of the locational context, the car is the primary mode of transport to the site, so it is important to clarify that adequate parking be provided to serve existing and proposed development.

8.7. Compact Growth / Accessibility

- 8.7.1. The TTA provides details of existing pedestrian and cycling facilities. It is noted that there are shared cyclist/pedestrians facilities and street lighting on both sides of the R710 Outer Ring Road in the vicinity of the site (Fig. 2-4 of the TTA relates). Provision of such facilities along the R680 Cork Road are noted in Fig. 2-5. Reference is also had to the facilities along Old Kilmeaden Road (eastern approach) which joins the R710 Outer Ring Road (Fig. 2-6).
- 8.7.2. It is provided that there are public transport options to access the site and future proposals to upgrade the Cork Road with enhanced public transport provision. In particular, the Route 354 bus stop is located approx. 600 metres from the site on the Cork Road and provides 6-7 daily services. The DBFL Traffic and Transport Assessment contains full details of these routes (Section 2.3.3. Table 2-1 refers) as well as details of the Proposed Waterford Bus Connects route (Route 11 – Waterford City to Whitfield Hospital) that will operate on the Cork Road with 15 minute frequency. It is noted that as shown on Fig. 2-7 of the TTA, there are currently no bus routes that run proximate to the site along the R710. Also, as noted on site (Fig. 2-4 refers) there is no pedestrian crossing in this area and there is a low barrier wall along the centre of the R710 dual carriageway.

Section 2.4 of the TTA refers to Existing Site Accessibility. This provides that there are local populations within 15 – 30minutes walking distance of the site. There are no larger residential neighbourhoods close to the site. Noting that the entire urban area is located within a 20 minute cycle (Figure 2-9). However, it is not documented

as to whether these are designated cycle routes from the closest neighbourhoods to the site and the local regional road system is fast and busy.

Emerging Transport Proposals

8.7.3. The TTA has regard to the Waterford Metropolitan Area (no longer a Draft) Transport Strategy (WMATS) which sets the framework for an accessible, high-quality and integrated transport network that provides for travel demand and supports the sustainable growth of the Waterford Metropolitan Area as a major growth area for the Southern Region and an internationally competitive European City Region as envisaged by the National Planning Framework 2040. They have regard to objectives for upgrades of the local road network and junctions in this document.

8.7.4. Details are given in Section 2.5.2 of Public Transport Proposals – BusConnects Waterford. This notes the roll out of BusConnects across Waterford will involve two main elements:

- 1. Bus priority in the form of bus lanes, bus gates, bus-only links, and other measures; and*
- 2. Changes to the bus service network to deliver greater frequency and more efficient operation.*

8.7.5. Details are provided on levels of priority to be implemented for connections for future public transport services, of possible future routes (Figure 2-11 relates), including Route 2 that will pass the subject site. Also noting that there are plans to introduce dedicated bus lanes (in each direction) along the R680 Cork Road corridor. It is noted this is c. 600m south of the subject site. Note is also had of the proposed cycle network in the Waterford Metropolitan Area Transport Strategy.

Conclusion

8.7.6. I would note that these are objectives concerning possible future transport routes and bus lanes and are not as yet permitted or implemented. Section 5.1 of Volume 1 of the WCCDP 2022-2028 refers to Integration of Land Use Planning and Transport. This includes that for the purposes of the Development Plan three key policy interventions underpin this integration:

- Transport planning – PLUTS (review having regard to the WMATS).

- The 10-minute neighbourhood with compact growth/mixed use development; and,
- A shift to sustainable transport modes. (Need to add a short narrative on compact/mixed use development.

8.7.7. As per the documentation submitted there are currently no bus lanes or routes that stop in proximity to the subject site. I would note health and safety concerns in that there are currently no pedestrian crossings or traffic lights along the R710 in the vicinity of the access to the site, in an area outside the urban speed limits, where maximum speeds apply.

8.8. Regard to the Policy Reasons for Refusal

- 8.8.1. I note the concerns of the Planning Authority as specified regarding the need to promote sustainable compact growth. Their reason for refusal refers to non compliance with a number of policy objectives being contrary to policy provisions of the WCCDP 2022-2028. It does not refer to material contravention. This includes contrary to Core Strategy Compact Growth Objective CS03 (Volume 1). In this respect regard is also had to Health Centre/Services Policy Objectives SC20, SC23 which seek to facilitate the provision of health facilities, promote compact growth and encourage the integration of appropriate health care facilities within new and existing communities are noted.
- 8.8.2. The First Party grounds of appeal refers to these Health Centre/Service Centre Policies stated and considers that proposals which are supportive of healthcare facilities are not constrained or dictated by these policies and can be considered on their merits. They submit that the removal of the neighbourhood or community focused Primary Care Centre/General Practitioner type operation from the discussion, means that the objections to the proposed development based on the planning policies cited are abated to substantial degree, if not entirely.
- 8.8.3. I would note that having regard to Policy Objective SC 20 details have not been submitted with the application that support '*collaboration with the HSE and other statutory and voluntary agencies*'. There are no supporting details from a Health Insurance Provider or University Hospital Waterford provided with the application.

The letter submitted in Appendix B of the Appeal, from UPMC provides they may have an interest but no specific plans have been given.

- 8.8.4. SC23 is not complied with in that the proposed healthcare facility in this peripheral location within a retail park, is not within '*new and existing communities*'. Section 7.21 refers to the provision of Health Centres/Services, and notes that there are three public hospitals in the Waterford area and that there are 11 health centres in Waterford County located in the larger urban settlements. That there are 3no. Primary Care Centres in Waterford. Details are given of the role of University Hospital Waterford (UHW).
- 8.8.5. The Council's reason for refusal also refers to Place 26 (Volume 1 WCCDP 2022-2028) - *To develop a 10-minute neighbourhood framework for all new and existing urban areas across Waterford which allows the everyday needs of people to be met within a safe walking distance of their homes, for example schools, childcare, health services, shops, public transport and parks. We will collaborate with local communities to identify constraints and implement measures to deliver sustainable 10-minute neighbourhoods.* Details of this concept are included in Section 8.8 of the WCCDP 2022-2028. This includes: *Reducing transport demand and encouraging modal shift away from private car use within local communities will be crucial to achieving the 10 minutes.*
- 8.8.6. Reference is also had to the Waterford Metropolitan Area Strategic Plan and its strategic goals and policies. In particular Policy Objective 26 which refers to improved facilities for community infrastructure and includes: *Community infrastructure including health and education shall be retrofitted where improved facilities are needed for existing communities and shall be provided in tandem with future population growth.*
- 8.8.7. The Council's reason for refusal considers that the proposed development would not comply with these objectives (as noted in the Policy Section above) relative to the core strategic objective of compact development, also, accessibility and the '10 minute neighbourhood' policy objectives. They provide that the proposed development would be contrary to the policy objectives of the WCCDP 2022-2028 and the MASP and the proper planning and sustainable development of the area.

- 8.8.8. The First Party appeal statement provides a response to each of these policy objectives. They note that having regard to Core Strategy Policy Objective that the proposed development is acceptable in principle in the 'GB' General Business zoning. They consider that this proposal represents a suitable usage to provide commercial development for healthcare, on appropriately zoned lands within the Waterford City development boundary.
- 8.8.9. Their appeal considers the policies quoted in the Council's reason for refusal relate more to Primary Care Centre/General Practice (GP) type facilities that are intended to be located within the communities that they serve. That this proposal is not to provide a 'local' facility for 'everyday needs' as covered by the '10 minute neighbour', rather for a more regionally based medical facility. They have regard to the 10 Minute Neighbourhood Policy Objectives – Place 26. They provide that this assumes Primary Care/ General Practitioner, facilities that are intended to be located within the communities they serve. That the proposed development is not for a 'local' facility for 'everyday use' as covered in the 10 minute neighbourhood and therefore is not inconsistent with the Planning Authority's objective to deliver sustainable 10-minute neighbourhoods. Note is had to the restriction to the uses referred to in their suggested condition above.
- 8.8.10. They consider that the site represents a suitable location as most of the uses in the Medical block depend on car traffic plus drop off for visiting members of the public, in the same way as a hospital such as Whitfield UPMC. That the location of the subject site access via the Outer Ring Road (R710) and with ample parking and high quality set down arrangements is suitable for the proposed use. That the current 5no. VHI 360 healthcare clinics and the three LAYA Health and Wellbeing Centres in operation in the country at present are all in locations with similar locational characteristics with good quality access to the main road network. That aside from primary care services in the community, contrary to the Planning Authority's interpretation, they consider that the MASP policy is a mandate for significant investment in Waterford's regional healthcare infrastructure. They submit that the catchment for the proposed development (in either of the scenarios presented) will be the entire Southeast region and therefore it is unreasonable to cite the policy in relation to the '10 minute neighbourhood' as a basis for refusal.

Conclusion

- 8.8.11. I have had regard to the policies cited in the Council's reason for refusal and to the First Party response. I would consider that these WCCDP 2022-2028 Policy Objectives still have relevance to the consideration of the merits of the proposed development, in particular CS03 – Compact Growth, and 'Health Centres/Services Policy Objectives' SC20, SC23. I note the First Party concerns about Place Objective 26 and note that there has been a lack of collaboration with local communities. I would consider that the objective 26 of the MASP is more strategic and general. However, it has not been established with clarity as to what type of improved health facilities are needed for existing communities and are to be provided in tandem with future population growth in the Waterford Region. Therefore, the proposal could also be seen as not complying with this policy objective.
- 8.8.12. I would refer to Section 5.1, Volume 1 of the WCCDP 2022-2028 'Integration of Land Use Planning and Transport'. Policy Objective Trans 01 (as noted in the Policy Section above) includes reference to sustainable transport choices and to the need to co-ordinate particular land uses with their accessibility requirements. This also supports the '10 minute neighbourhood concept'. Policy Objective Trans 09 seeks to ensure 'Connectivity and Permeability'. I would have concerns that the proposed development in view of its locational context and lack of modal shift and public transport options would not comply with these Transport Policy Objectives.

8.9. Drainage and Infrastructure

- 8.9.1. An Engineering Assessment Report has been submitted. This notes that the proposed development is comprised of a 3 storey medical block development, with associated parking, which is a continuation of the original Phase 1 as per Planning Ref 06/522 and allowance has been made for adjoining development Phase 2 Ref PL.Ref. 22/936 & ABP Ref. 315633-23.

Foul Water Drainage

- 8.9.2. The Engineering Report notes that the site is currently serviced by a gravity network which discharges to a pump station at the bottom of the site, before being pumped via a rising main to a discharge manhole on the Old Kilmeadon Road. It is their intention as per original Planning for Phase 1 Development (Planning Ref. 06/522) to

discharge the proposed Medical Block development in the same way, which was sized accordingly at that time for the future Phase 2 Development. They refer to the drainage drawings and note that it is proposed to form a new gravity system on the site which will discharge into the existing gravity network on site. They provide details of Proposed Drainage Calculations and peak foul peak flow for the proposed development. They provide that the Engineers FFA have engaged with WCCC Sanitary Services and Irish Water and received a Confirmation of Feasibility for the proposed development.

Surface Water Drainage

- 8.9.3. The site is currently serviced by a gravity network which discharges to an attenuation system on site, before discharging into a culverted stream. They note that while Phase 1 is served by an attenuation tank, this application chose to provide its own attenuation system to serve the surface water from the Phase 2 lands. They provide that it is proposed to form a new gravity system on site which will discharge to a new attenuation system, before discharging to a culverted stream, as indicated on the attached drawings. Noting that allowance has been made for the adjoining development Ref PL. Ref. 22/936 & ABP Ref. 315633-23. Details are given of Surface Water Attenuation Calculations. They note that it is proposed to reconfigure the existing site connection, as indicated on the attached drawing. They provide details of Proposed Water Demand Calculations.

Water Supply

- 8.9.4. The site is currently served by a public water supply system. That it is proposed to reconfigure the existing site connection, as indicated on their attached drawings. Details are given of Proposed Water Demand Calculations. They provide that Engineers FFA have engaged with WCCC Sanitary Services and Irish Water and received a Confirmation of Feasibility for the proposed development.

Flood Risk

- 8.9.5. The Engineering Report provides that a review of the available CFRAMS Mapping for the area indicates the proposed development is located within a low flood risk zone. That the location would comply with 'The Planning System and Flood Management Guidelines' 2009. Therefore, a detailed Flood Risk Assessment report or justification test is not required for the proposed development.

- 8.9.6. They note that as part of the surface water strategy, it is proposed to use an attenuation system designed to replicate the natural runoff of the catchment area and to mitigate surface water surge to the public network and mitigate flooding downstream during flood events. That these works will be undertaken in consultation with the Local Authority.
- 8.9.7. An Energy Statement has been submitted to demonstrate compliance in relation to energy strategy and sustainability for the proposed Medical Block. That the Public Lighting Report has informed and inputted to the Site Layout Plan and has been coordinated with the proposal for underground services as detailed in the Engineering Services Report. If the Board decides to permit, I would recommend that a condition regarding public lighting be included.
- 8.9.8. An Outline Construction Management Plan has been submitted for the Phase 2 – Medical 3 Storey Block. This notes that all access to the site for construction vehicles and construction personnel would be accessed directly off the ring road on the slip road adjacent to the proposed medical block. This Report includes regard to Site hoarding and Security, Traffic Management, Hours of Operation, Maintaining Roads and Access, Drainage and Service Connections etc. It also provides for an Environmental and Waste Management Plan. It refers to Programming and Site Management and states that a Project Programme of 8 to 10 months dependant on phasing has been allowed for the project.

Conclusion

- 8.9.9. It is noted that the Council's Environment Section does not object to the proposal and recommends conditions. If the Board decides to permit, I would recommend that appropriate drainage conditions be included and also that it be conditioned that a Construction and Environmental Management Plan and a Waste Management Plan be submitted.

8.10. Archaeology

- 8.10.1. It is noted that a Submission has been received from the Department of Housing Local Government and Heritage. They note that this greenfield development site is located in the vicinity of a number of identified archaeological sites including WA009-025 fulacht fia, WA009-026 excavation –miscellaneous and WA009-016 enclosure.

That due to the location, scale and siting of the proposed development, there is potential for archaeological remains to survive in this area. They recommended that a documentary and field-based archaeological impact assessment be completed and a report submitted as F.I to ensure an informed planning decision and the protection of archaeological heritage. They requested that an Archaeological Impact Assessment be submitted. They recommend that Archaeological Monitoring be carried out. If the Board decides to permit, I would recommend that an Archaeological condition be included.

9.0 Recommendation

I would recommend that permission for the proposed development be refused for the reasons and considerations below.

10.0 Reasons and Considerations

1. The proposed development which includes for the provision of 3 storey medical block and ancillary works (totalling 3,490sq.m), within the existing Waterford Retail Park, with the primary access from the R710, Outer Ring Road, is in an area distant from existing residential communities and the Waterford City Urban Area, and is car orientated and not served by proximate public transport or pedestrian linkages in an area where maximum speed limits apply. As such the locational context would be contrary to the policy provisions of Volume 1 of the Waterford City and County Development Plan 2022-2028 which seek to promote compact growth and direct health care/medical uses to appropriate urban locations within new and existing communities. In particular, Core Strategy Policy Objective CS03 and Health Centres/Services Policy Objectives SC20 and SC23 relate. It would also be contrary to policies regarding the integration of land use planning and transport Policy Objective Trans 01 which promotes more sustainable transport choice and accessibility. As such the locational context of the proposed standalone development to accommodate

medical related uses would not be in accordance with the proper planning and sustainable development of the area.

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

Angela Brereton
Planning Inspector
17th of December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318456-23		
Proposed Development Summary	Medical facility and associated ancillary accommodation and site development works.		
Development Address	Waterford Retail Park, Cork Road, Butlerstown North, Waterford.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		This is not a residential development but as a project, would be considered under Class 10(b)(iv), Schedule 5 Part 2.	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant class?			
Yes		Below Threshold	No EIAR or Preliminary Examination required

No		Class/Threshold 10 (b)(iv), Schedule 5, Part 2.		Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?				
Yes	✓	The development site area (1.25ha) falls well below the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is a business district, so the 2ha threshold is not applicable.		

5. Has Schedule 7A information been submitted?		
No	No ✓	Pre-Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318456-23
Proposed Development Summary	Medical facility and associated ancillary accommodation and site development works
Development Address	Waterford Retail Park, Cork Road, Butlerstown North, Waterford.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health)	<p>The proposed development is for the construction of a standalone 3 storey block to accommodate medical related uses and ancillary accommodation and site development works (stated area 3490sq.m).</p> <p>This proposal is for the construction a Medical Centre and is well below the threshold of 10ha as per Class 10(b)(iv) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>The proposed development is on a greenfield site and is to connect to public services. As per the documentation submitted, including regard to Outline Construction Management Plan and the Engineering Assessment Report it will not result in significant emissions or pollutants.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, nor is vulnerable to climate change. It presents no risks to human health.</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected)	<p>The proposed development, is on a greenfield site on zoned lands in Wexford Retail Park with access from the Outer Ring Road (R710).</p> <p>Details submitted include regard to surface water drainage and the incorporation of SuDS.</p>

by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>Reports submitted include:</p> <ul style="list-style-type: none"> • An Engineering Assessment Report – this includes regard to surface water attenuation and drainage. The Board is referred to my conclusion is section 8.9.9 of my Report • A Traffic and Transport Assessment Report. This includes regard to the locational context of the site. The Board is referred to the conclusion regarding Accessibility in section 8.7.7 of my Report. <p>Having regard to the documentation submitted it is not envisaged that the location of the proposed development will impact significantly on the environment or on sensitive landscapes or on heritage.</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> <p>In section 6.1 of my Report, I have concluded that the need for environmental impact assessment can, be excluded at preliminary examination and a screening determination is not required.</p> <p>In section 6.2 of my Report, I have concluded that the need for a Stage 1 Screening or Stage 2 Appropriate Assessment is not required.</p>	

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No

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

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Inspector: _____ **Date:** _____