



An  
Bord  
Pleanála

## Inspector's Report ABP-319141-24

### Development

Demolition of existing agricultural buildings and construction of 98 no. dwellings and all associated ancillary site works. A Natura Impact Statement is submitted with the application.

### Location

Graigueshoneen, Kilmacthomas, Co. Waterford

### Planning Authority

Waterford City and County Council

### Planning Authority Reg. Ref.

2339

### Applicant(s)

SE Construction (Kent) Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

Mary and Leah Kiersey

### Observer(s)

Joanne Power

### Date of Site Inspection

24<sup>th</sup> September 2024

**Inspector**

Matthew McRedmond

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## **1.0 Site Location and Description**

- 1.1. The subject site is located in Kilmacthomas, a rural village approximately 18km south west of Waterford City. The site is located on the L7099, which is known locally as the Old Road. The site is 15.7 hectares in area and is currently used for agricultural purposes with 2no. agricultural buildings located within the fields. The Waterford Greenway is located along the northern boundary of the site.
- 1.2. The site is located on the north side of the Old Road and slopes gently upwards in a northerly direction towards centre of the site, before falling steeply towards the northern boundary of the site with the Waterford Greenway. There is an existing agricultural entrance to the site from Old Road, with a number of residential dwellings to the west, south east and south of the site. Approximately 3.7hectares of the site is to be utilised for the proposed housing development, with an attenuation pond located in the northern portion of the site that is otherwise vacant for the purposes of this application.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the demolition of existing agricultural buildings on site and the construction of a 98-unit residential development that includes the following:
  - 10 no. 4-bed detached 2 storey houses
  - 36 no. 4-bed semi-detached 2 storey houses
  - 36 no. 3-bed semi-detached 2 storey houses
  - 10 no. 2-bed semi-detached 2 storey houses
  - 6 no. 2-bed single storey houses
  - New vehicular and pedestrian site entrance
  - All water and sewage connections; and
  - All Associated site works.

A creche was added to the scheme at further information stage.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 2<sup>nd</sup> February 2024, Waterford City and County Council granted permission subject to 30 no. conditions for the development as amended at further information stage.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planners Report**

The Local Authority Planner had regard to the locational context of the site, national and local planning policy, the referral responses received, and submissions made on the application. Their assessment included the following:

- Principle of residential development is acceptable subject to development standards and appropriate scale.
- Good mix of units and appropriate density proposed.
- Previous permission (Ref. 12/78) for 139 units at the subject site is noted.
- Kilmacthomas is a well serviced town but a social infrastructure audit should be provided by the applicant.
- Proposed layout is mainly dictated by a ringfort within the site. An increase in frontage on to the main estate road is required to provide greater sense of place.
- Queries raised in relation to 6m wayleave to south east of site and buffer along western boundary.
- Car parking and boundary treatments should be clarified.
- Further detail and arrangement of public open space required
- All design criteria for water and wastewater to be agreed with Irish Water and submitted as Further Information.

- The removal of topsoil and deposit in the northern portion of the field is acceptable to the Planning Authority.
- Additional details required in relation to pedestrian connectivity, public road width, sightlines, internal road widths and visitor parking.
- The submission of TII is noted and a Traffic and Transport Assessment is requested.
- Further detail and investigation on proposed works with child-care provider to enhance childcare offering.
- Archaeological details provided considered acceptable.
- The applicant was requested to provide further information

#### Further Information Response

3.2.2. The Planning Authority Planner was satisfied with the further information response which included the following:

- A response on details of forecast population growth for Kilmacthomas with the subject proposal to be phased, providing approximately 20 units per year over a 5-year period.
- A Social Infrastructure Audit that showed adequate infrastructure capacity is considered to exist in Kilmacthomas to cater for the proposed development in the context of Section 2.9 of the County Development Plan.
- Revised drawings showing boundary treatments, car parking, revised house types, creche, western boundary landscaping and phasing plan.
- Engineers cover letter and drawings responding to TII submission including TTA and RSA.
- Details and drawings of proposed creche within site in absence of agreement with adjoining creche/childcare facility.
- Confirmation that units 1-6 are to be sold privately to people looking to downsize. These units have been adjusted to accommodate the creche with additional parking immediately adjacent.

- Details of purpose of 6m wayleave to rear of units 1-3 and creche to allow for a gravity feed network for foul and storm drainage and avoid the need for a pumping station.
- 'New entrance to neighbours property' as shown on submitted plans cannot be built over as this is an area of attenuation tank and is therefore proposed for car parking and planting.
- Due to rock and site levels, area to western boundary is confirmed as being for low maintenance landscaping.
- Updated frontage of units adjoining main access road with bay windows as shown.
- Revised site plan illustrating compliance with car parking standards.
- Details of northern connection to greenway have been proposed in consultation with Waterford Roads Section.
- Updated confirmation of feasibility from Irish Water noting there is capacity to cater for the number of houses proposed subject to a booster system being installed.
- Details of proposed attenuation pond to north of site, which will discharge into stream that flows under greenway. This will be complemented by a grassed swale area to the south east corner of the site adjacent to the car parking and this separate system will discharge to the existing storm system on the public road.
- Revised details of road and footpath widths, lighting arrangements and bus stop at public road.
- A Road Safety Audit which addresses issues of sightlines. Applicant confirms acceptance and commitment to implementation of recommendations.
- Details of how proposal complies with DMURS including turning radii, road widths, pedestrian connectivity and streetscapes.
- In terms of item 13 and 14, a special levy is proposed to ensure adequate footpath width of 1.8m can be achieved by the Planning Authority. A grant of permission was recommended.



3.2.3. Relevant Conditions attached to the grant of permission include the following:

- Condition 3 – Special contribution of €50,000 for provision of adequate pedestrian infrastructure.
- Condition 6 – NIS mitigation measures to be implemented in full.
- Condition 7 - public footpath and junction upgrade works at Old Road shall be completed prior to first occupation of the development.
- Condition 10 – Connection pathways to greenway are omitted from the grant of permission and are to be subject to separate agreement with roads section.

3.2.4. Other Technical Reports

- WCCC Roads Department – Footpath and carriageway widths must be to minimum requirements, public lighting to be provided, bus stop provision required, junction upgrades at L7099/L3043 junction. Road Safety Audit required. Car parking numbers to be reviewed and increased as appropriate.
- WCCC Heritage Officer – Satisfied proposal will not give rise to adverse impacts on integrity of SPA. Mitigation to protect Mahon River, as contained in NIS to be conditioned.
- WCCC Water Services – The developer shall consult with Irish Water and Waterford CCC for compliance on water network, metering, storm and foul drainage measures with all relevant approvals and written agreement shall be submitted to IW and WCCC prior to the commencement of development. Surface water drainage network to be constructed in accordance with submitted plans.
- WCCC Environment Section – Construction RWMP to be submitted. Adequate receptacle storage locations should be provided within each residence. Silt dams and silt fences should be installed at the attenuation pond to the north to prevent sediment run off to watercourses. Any fill importation from outside the site should be authorised by the Planning Authority or be approved by the EPA.
- Irish Officer – Estate name should be culturally and historically appropriate.

### **3.3. Prescribed Bodies**

- 3.3.1. Department of Housing, Local Government and Heritage – Appropriate archaeological conditions to be included.
- 3.3.2. Transport Infrastructure Ireland – Requested a TTA to be submitted, which was provided by the applicant at FI stage. A subsequent submission following FI response recommended proposed conditions are included and any appropriate works are funded by the developer. Consultation with WCCC on greenway or active travel measures are recommended.

### **3.4. Third Party Observations**

- 3.4.1. A number of submissions were received from adjoining landowners/occupiers expressing the following concerns:
- Traffic impacts on Old Road, surrounding area and required upgrades. Road already constrained due to childcare facility, soccer pitch and the designated walkway at this route.
  - Proposed development should be cognisant of existing Flahavans Mill, which operates 24 hours.
  - Wastewater monitoring of discharge to Mahon River should be provided.
  - Concerns about capacity of roads, water, wastewater and schools in Kilmacthomas to cater for proposed development.
  - Insufficient public transport to cater for proposal.
  - Health system is not fit for purpose.
  - Schools are at or near capacity.
  - Water pressure already insufficient in the area.
  - Existing properties in the village currently idle.
  - Current issues of subsidence to existing properties.

## 4.0 Planning History

### Subject Site

**WCCC Ref. 0582** – Permission granted for 139no. residential dwellings at the subject site.

**WCCC Ref. 071280** – Permission granted for an alternative route of the sewer outfall discharge from the on-site treatment plant to the Mahon River as granted under Ref. 0582. The revised outfall location is 200m downstream from that permitted under Ref. 0582.

**WCCC Ref. 12312** – Permission granted for the extension of duration of WCCC Ref, 071280.

**WCCC Ref. 1278** – Permission granted for the extension of duration of Ref. 05/802. Date of expiration revised to 19<sup>th</sup> March 2017.

## 5.0 Policy Context

### 5.1. National and Regional Planning Policy

- 5.1.1. The National Planning Framework is relevant in the context of NPO 6 which relates to smaller settlements to: *‘Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.’* Other relevant policies relate to compact growth, reversing rural decline and strengthened rural economies.
- 5.1.2. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 (‘the Compact Settlement Guidelines’) which require appropriate residential densities (no less than 25 units per hectare) in villages within the Metropolitan area with less than 1,500 population. While Kilmacthomas is not specifically within the Waterford MASP, it is within the hinterland area, influenced by Waterford City.

- 5.1.3. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the strengthening of towns and villages and to enable enhanced roles for sub-regional settlements.

## 5.2. **Waterford City and County Development Plan 2022-2028**

- 5.2.1. The Waterford City and County Development Plan came into effect on 19th July 2022, making it the effective statutory plan for the subject development.
- 5.2.2. Table 2.2 of the City and County Development Plan identifies Kilmacthomas as a Class 4A 'Rural Town'. These are identified as: *'Rural towns and villages less than 1,500 pop and the wider rural region. While rural in scale these towns provide a range of employment along with commercial, cultural and community services.'*
- 5.2.3. Section 2.9 of the CDP states that *'during the lifetime of the Development Plan, we will monitor the level of development across these rural settlements and where development is not forthcoming in any particular settlement for whatever reason we may facilitate additional development in neighbouring settlements. In addition, settlements with service/infrastructure capacity and those within and adjacent to the Waterford City MASP area may facilitate additional growth to a scale consistent with the proper planning and sustainable development of the area. In all cases the developer will be required to demonstrate that the proposal is in compliance with the principles of proper planning and sustainable development and the policy objectives and development management standards of the Development Plan.'*
- 5.2.4. The southern section of the subject site is zoned 'Rural Village' (RV), which has an objective to: *'Protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure.'*
- 5.2.5. The County Development Plan recognises that the area of influence of the Waterford MASP extends to the hinterland area, including the village of Kilmacthomas.
- 5.2.6. Objective CS16 of the WCCC CDP is in relation to Rural Towns and Villages and states:
- 'In addition to compliance with other policy objectives and development management standards of the Development Plan, development proposals for all land use types*

*within rural towns and villages (Class 4 & 5 in Table 2.1) will be required to demonstrate that:*

- The scale of a proposed housing development is consistent with the number of housing units appropriate to the class/ typology of settlement as set out in Section 2.9 and Table 2.2.*
- The proposal is compatible with the context of the site in terms of character, scale and density.*
- The proposal will contribute to the visual and general/residential amenity of the settlement and its built quality.*
- The proposal avoids any transgression onto land used or intended for use as public amenity.*
- The proposal is accompanied by a program for developing out the site in terms of access to public water/wastewater, innovative solutions to wastewater such as integrated constructed wetlands and other services along with a completion timeframe; and,*
- The proposal will not prejudice the future development of land in its vicinity and the expansion of public amenities or community land uses such as schools.*
- Site selection should be informed by a sequential approach to development and the avoidance of development within flood zones. Development within flood zones should be for water compatible uses only. In order to avoid a situation where permitted residential development may sterilise other development proposals during the lifetime of the Development Plan, we may specify the lifetime of a planning permission having regard to the program for implementing the development identified in the proposal.*

5.2.7. Appendix 3 of the County Development Plan outlines specific development objectives for the county. Objective KMD02 applies to the subject site and states the following: *‘This site can facilitate medium density housing. The developer will be required to have regard to the topography of the site, and the proposed development shall have an appropriate/sympathetic approach to design which utilises the existing contours.’*

5.2.8. Table 11.1 of the CDP identifies Kilmacthomas as an Architectural Conservation Area.

5.2.9. The following policy objectives are noted in particular from development plan Chapter 7 Housing & Sustainable Communities:

*H 09 We will support voluntary housing associations and the co-operative / community sector in the provision of affordable housing at appropriate locations and to further develop relationships with these organisations over the period of the Development Plan.*

*H 10 We will ensure that groups with specific housing needs such as older people, people with disabilities, the homeless, refugees and members of the Travelling Community are accommodated in a manner that is suitable to their specific needs. We will provide access for these groups to an appropriate range of housing and related support services, delivered in an integrated, sustainable manner which promotes equality of opportunities, individual choice and independent living where possible.*

*H 11 We will support the provision of housing for older people by providing accommodation in central, convenient and easily accessible locations which facilitate independent living where possible.*

*H24 We will support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.*

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

5.3.1. The following are the closest European Sites in proximity to the site:

- The Mid-Waterford Coast SPA is located approximately 8.07km to the north of the site.
- Lower River Suir SAC is located approximately 8km north of the site.
- Comeragh Mountains SAC is located 5.6km west of the site.

- 5.3.2. The applicant has submitted an NIS including a Stage 1 AA Screening Report and Stage 2 NIS as part of the supporting documentation.

#### **5.4. EIA Screening**

- 5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- 5.4.3. The subject development is for the construction of 98 houses and a creche, together with associated works, on a site with a stated area of 15.81ha. The area of the developed site proper where the proposed housing is to be located is approximately 3.7hectares. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 20ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable.
- 5.4.4. I have given consideration to the requirement for sub-threshold EIA. The site is located on residentially zoned lands and is within a village setting. The site is in agricultural use and is bounded by several individual residential sites, and it is also serviced. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Eireann and Waterford City and County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

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

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

## **6.0 The Appeal**

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

In the single Third Party Appeal, the following grounds are submitted:

- The proposal will not align with sustainable development goals as set out in the County Development Plan as there is a lack of facilities in the area.
- Insufficient public transport.
- Health service in the area not fit for purpose.
- Lack of capacity in local schools.



- Inadequate water services with low pressure already occurring in summer months, which would be worsened as a result of the proposed development.
- Concern about where building materials would be sourced.
- Concern in relation to capacity of Old Road and traffic safety implications of increase in traffic.
- Monitoring of Archaeological finds as set out at Condition 29(b) queried.
- Future permissions for the remainder of the site queried.

## 6.2. Applicant Response

The applicant's response to the appeal can be summarised as follows:

- The application proposes residential development on lands that are zoned 'Rural Village' where residential is permitted in principle. The only works outside of this zone is an attenuation pond located to the northern boundary within the red line of the application site.
- The proposed development will be delivered in phases of 20 units per year for the duration of the permission to ease pressure on local infrastructure. The Social Infrastructure Audit submitted illustrates adequate infrastructure available in the town.
- Road upgrades are proposed as part of the application to improve pedestrian and vehicular safety, in line with the submitted Road Safety Audit (RSA) and Traffic and Transport Assessment (TTA).
- The proposed development will provide sustainable housing in a rural town, supporting vibrancy in place of dispersed development in rural areas.
- A new creche will be constructed in year 4 of the project.
- Kilmacthomas is served by a number of bus services including the 40, 362, 366 and local services that serve areas such as Cork, Waterford City, Dungarvan and Lismore. While some travel may be required for work purposes, good public transport exists to reduce reliance on the private car.

- Health services are provided within a 7 minute walk of the proposed development at Kilmacthomas Health Centre, where there are 7 GP's and 2 practice nurses. Additional hospital services available in Waterford. The appellant's claim about lack of capacity is not evidence based.
- Not all houses in the proposed development will contribute to demand for school places due to elderly accommodation and local residents already enrolled in the school. School enrolment numbers seem to be on a downward trend and with recent expansion of school facilities, adequate school capacity is available.
- Water services upgrades will be provided by the applicant, in agreement with Uisce Eireann, which will include pressure boosting upgrades to facilitate appropriate connections to relevant infrastructure.
- The proposed development is in line with sustainable development goals including access to available infrastructure including schools, health care and childcare, which will be augmented through the provision of a creche as part of the subject development.
- The source of materials to be used in the subject proposal are not a relevant planning consideration for the Board.
- Works are proposed to the Old Road to improve access between the site and Kilmacthomas. An RSA has been produced to ensure safe works. A TTA was prepared to confirm any impacts on the road network, which TII have confirmed is acceptable. Details of the link to the greenway will be agreed with Waterford City and County Council prior to the commencement of development.
- The applicant commits to protecting any archaeological material in an appropriate manner as per statutory requirements, and the implication that the developer/applicant would dispose of discovered material is unfounded.
- Residential development is not permitted on the northern portion of the site as it is not zoned for residential purposes, any reference by the appellant to future residential development is notional and not based on the current application.

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

No response.

### 6.4. **Observations**

There is 1 no. observation on the appeal on file. The main points of the observation can be summarised as follows:

- There is a critical lack of infrastructure in the area.
- The proposed development would result in a loss of privacy and devaluation of property in the area.
- Concerns raised about environmental waste downstream and other impacts including litter and noise.
- Anti-social behaviour is a concern.
- The proposed development is not in keeping with the surrounding area.
- Water pressure is already an issue in the area.
- The proposal will result in traffic congestion and road safety issues.
- Insufficient school capacity already in Kilmacthomas.
- Access to greenway already creating residential amenity impacts that would be added to by the proposal.

## 7.0 **Assessment**

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Principle of Development
- Social Infrastructure Capacity
- Residential Amenity Impacts
- Water Services

- Access to Greenway
- Traffic and Transport Issues

## 7.2. Principle of Development

- 7.2.1. The southern section of the subject site is zoned 'Rural Village' (RV), which has an objective to: *'Protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure.'*
- 7.2.2. Table 2.2 of the City and County Development Plan identifies Kilmacthomas as a Class 4A 'Rural Town'. These are identified as: *'Rural towns and villages less than 1,500 pop and the wider rural region. While rural in scale these towns provide a range of employment along with commercial, cultural and community services.'*
- 7.2.3. Objective KMD02 applies to the subject site and states the following: *'This site can facilitate medium density housing. The developer will be required to have regard to the topography of the site, and the proposed development shall have an appropriate/sympathetic approach to design which utilises the existing contours.'*
- 7.2.4. Section 2.9 of the CDP states that *'during the lifetime of the Development Plan, we will monitor the level of development across these rural settlements and where development is not forthcoming in any particular settlement for whatever reason we may facilitate additional development in neighbouring settlements. In addition, settlements with service/infrastructure capacity and those within and adjacent to the Waterford City MASP area may facilitate additional growth to a scale consistent with the proper planning and sustainable development of the area. In all cases the developer will be required to demonstrate that the proposal is in compliance with the principles of proper planning and sustainable development and the policy objectives and development management standards of the Development Plan.'*
- 7.2.5. The Core Strategy of the County Development Plan has a minimum target of 350 units for Rural Towns and Villages in Waterford up to 2028. Having regard to the zoning of the site for residential purposes, the serviced nature of Kilmacthomas Village and the proposed density of 26 units per hectare that is suitable in this rural village location, I am satisfied the principle of development is acceptable in this instance.

## 7.3. Social Infrastructure Capacity

- 7.3.1. The observers assert that there is limited provision of social infrastructure facilities within the wider area and a need for further social and community supports including schools and healthcare facilities, whereas the Planning Authority do not consider this to be the case asserting that Kilmacthomas is well served with commercial, education, community services and a range of local employment.
- 7.3.2. The applicant has provided a Social Infrastructure Audit as part of the application, identifying over 30 facilities within approximately 1km of the site, including shops, healthcare facilities, schools, sports clubs, public parks, a greenway, a credit union, post office, a community centre, a further education facility, a montessori, a day centre for elderly and places of worship. The audit broadly identifies the main services and resources in the immediate area, considerate of guidance contained within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- 7.3.3. There is an existing Montessori, two primary schools, St. Declan's Community College and an Adult Education Centre within Kilmacthomas. Added to this, the subject proposal includes a creche facility that was included in the scheme at further information stage. With the proposed phasing of the subject proposal at 20 units per annum, and the information provided in the response to the appeal that points to declining enrolment numbers in the local primary schools from a high of 607 students in 2017-18 to a low of 530 in 2023/2024, I am satisfied the subject proposal would not put undue strain on the capacity of local schools and will provide enrolment numbers in future years.
- 7.3.4. Increased residential density at this location will ensure the efficient and increased use of existing and planned services, including public transport, shops and social infrastructure in support of Policy CS 12 of the County Development Plan in relation to regeneration of rural areas. NPO 6 of the NPF also supports rural regeneration, and I consider the subject proposal to meet these policies and objectives. Such services, whether commercial or social, are dependent on a critical mass of population to remain viable and to justify the creation of additional services. In the wider environs of the site there are schools, shops, medical facilities, parks and open spaces, all of which would benefit from a development that is a comfortable walking or cycling distance from the site. I am therefore satisfied that the area and development would be reasonably well serviced in respect of

social/recreational/commercial infrastructure and that this context should not inhibit the subject proposal.

- 7.3.5. The subject proposal includes measures to upgrade access to the wider community for pedestrians and vehicular traffic. I consider these proposed upgrades would also enhance accessibility to public transport provision within the area. Kilmacthomas is served by a number of daily bus services including the 40, 362, 366 bus routes and local services that serve areas such as Cork, Waterford City, Dungarvan and Lismore. I note the 40 bus route operates frequently throughout the day. I am therefore satisfied that there is adequate public transport capacity and social infrastructure provision in the area to support the subject proposal.

#### **7.4. Residential Amenity Impacts**

- 7.4.1. The issue of impact on the residential amenities of neighbouring properties has been raised in the observation to the appeal. Concern was expressed in relation to potential overbearing on properties to the east of the subject site at Western Terrace. Reference was made to the loss of privacy and devaluation of property values due to the distance between the proposed houses in the scheme and neighbouring properties. The matter of access to the greenway was also raised in this context.
- 7.4.2. The provisions of the Waterford County Development Plan 2022-2028 refer to separation distances between the rear of residential properties in Table 3.1 of Volume 2, specifying that a minimum distance of 22 metres, in general, is required, between opposing windows in the case of reciprocal housing types. However, it is advised that in certain instances, depending on design and circumstances, reduced separation distances may be acceptable.
- 7.4.3. The 2009 Guidelines on Sustainable Residential Development in Urban Areas have now been replaced by the recently adopted new guidelines, Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). Section 5 of the Compact Settlement Guidelines refers to Development Standards for Housing and section 5.3.1. refers to Separation Distances. It is set out in the guidelines that a requirement for a minimum separation of 22 metres between opposing upper floor rear window has formed part of suburban housing design since the early 20th century. The guidelines further advise that through careful massing and positioning of blocks, positioning of windows and the integration of open space

at multiple levels it is possible to achieve a high standard of residential amenity and good placemaking with separation distances of less than 22 metres.

- 7.4.4. In relation to potential overlooking and overbearing impacts in the subject proposal, the submitted Site Layout Plan Drawing No. A-001 shows the proposed dwellings along the eastern boundary set back distances of between 14-27m from this boundary. A 1.8m height, fair faced block wall is proposed as a boundary treatment. The existing properties to the east of the boundary of the site are setback a further distance of at least 25m. There is also an existing level of mature planting along the existing boundaries to the east, that provide a significant level of screening at this location. Accordingly, I am satisfied that the separation distances provided, which are well in excess of 22m, along with the boundary treatments proposed and the existing screening present, will address both the potential for loss of privacy and overbearing in the context of the separation between the sites. Having regard to the separation distance provided I consider there to be no indication that the subject proposal would result in a devaluation of property values or loss of privacy.
- 7.4.5. In conclusion, having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting and design of the proposed dwellings within the scheme and the relative separation distances to the existing dwellings to the east of the site, that the proposed scheme would not result in any undue overshadowing, overbearing, or overlooking impact of neighbouring residential properties that would result in a loss of residential amenity and is consistent with Table 3.1 of the County Development Plan as well as SPPR2 of the Compact Settlement Guidelines.

#### Visual Impact

- Reference is made in the appeal to the potential visual impact of the proposed development in terms of it not fitting in with the existing surroundings. Regarding the height of the proposed dwellings, a mix of house types is proposed with two-storey and single storey properties proposed. I note that existing properties within Kilmacthomas adjoining the site and in the wider village area also contain a range of single and two-storey dwellings. The proposed elevation drawings A-131, A-101, A-141 and A-111 illustrates the various house types proposed within the development. In this regard I note a

good variety of dwelling types with a range of quality materials that is not out of context in the village of Kilmacthomas. The proposal is consistent with the scale and character of Kilmacthomas and therefore complies with Objective CS16 of the County Development Plan which states:

- *The scale of a proposed housing development is consistent with the number of housing units appropriate to the class/ typology of settlement as set out in Section 2.9 and Table 2.2.*
- *The proposal is compatible with the context of the site in terms of character, scale and density.*
- *The proposal will contribute to the visual and general/residential amenity of the settlement and its built quality.*
- *The proposal avoids any transgression onto land used or intended for use as public amenity.*
- *The proposal is accompanied by a program for developing out the site in terms of access to public water/wastewater, innovative solutions to wastewater such as integrated constructed wetlands and other services along with a completion timeframe; and,*
- *The proposal will not prejudice the future development of land in its vicinity and the expansion of public amenities or community land uses such as schools.*

7.4.6. Accordingly, I am satisfied that the height and design of the proposed dwellings are in keeping with that of the surrounding area and that it would not unduly impact upon the visual amenities of the locality and is consistent with Objective CS 16 of the County Development Plan.

## **7.5. Water Services**

7.5.1. Water supply is raised in the grounds of appeal and specifically the issue of water pressure that is already existing in the local area.

7.5.2. In relation to this matter, I note the content of the report from Uisce Eireann dated 16/11/2023 which confirms that the developer liaised with Uisce Eireann and a confirmation of feasibility was issued. Uisce Eireann stated that they have no objection to the proposed development subject to the constraints and upgrade works



required as outlined in the confirmation of feasibility. These upgrades include a pressure boosting solution for water supply and upgrade of existing wastewater pipe from 150mm to 225mm for a length of approximately 200m.

- 7.5.3. Item No. 11 of the Further Information Response prepared by Bryan McCarthy & Associates Consulting Engineers refers to water supply and consultation with Uisce Eireann. This sets out the Irish Water reference number for the Confirmation of Feasibility is CDS19001695. This confirms that the proposed connection to Uisce Eireann infrastructure can be put in place subject to upgrades which will also contribute to an improvement in services to existing residents of the area. A copy of the Confirmation of Feasibility document is appended with the engineer's report.
- 7.5.4. Based on the foregoing, subject to appropriate conditions, I am satisfied the subject proposal can accommodate appropriate levels of water supply that will not impact existing residents and will overall, enhance services in the area.

#### **7.6. Access to Greenway**

- 7.6.1. Access to the greenway was raised as a potential area of concern by the Third Party observer on the appeal. The observer notes there is already issues with unauthorised access to the greenway via Western Terrace, which impinges on the enjoyment of their property due to anti-social behaviour, noise and general nuisance in proximity of their dwelling.
- 7.6.2. The Planner's Report noted that the site layout plan submitted by the applicant indicates potential future pedestrian and cyclist access to the Waterford Greenway through the field to the north of the development and via Western Terrace. The applicants provided a response to the Council's F.I request in relation to this matter and note it has been verbally agreed with Council Roads Section that access to the greenway will be provided. Proposed Site Plan A003 illustrates a proposed path to the north of the proposed dwellings, in the northern section of the subject site, that connects to the Waterford Greenway via Western Terrace.
- 7.6.3. I note the existing link already in place via Western Terrace that connects Kilmacthomas to the main greenway route, which is paved and signposted as part of the official route. As shown on the Site Plan submitted by the applicant, the proposed connection to the Greenway via Western Terrace is through the proposed development, joining Western Terrace via the northern section of the appeal site,

and to the north of existing properties along this laneway. The potential for additional impacts to existing properties on Western Terrace as a result of a proposed connection from the proposed development is therefore considered to be minimised.

- 7.6.4. The applicant refers to the benefits of the link to the greenway, and the proposed connection has been considered acceptable by the Council, subject to separate agreement. I consider a proposed connection to the greenway from the proposed development to be appropriate, in terms of access to this significant local amenity and consistent with active travel, proper planning and sustainable development of the area. Agreement on the specifications and details of the link to the greenway can be reasonably agreed with Waterford City and Council Roads Section by way of a pre-commencement condition.

## **7.7. Traffic and Transport**

- 7.7.1. The proposal entails the provision of a total of 98 no. dwelling units. Vehicular access is proposed onto the Old Road. The grounds of appeal refer to the additional vehicular traffic the scheme would generate and the impact it would have on the existing roads. They raise the condition and dimensions of the existing road network in the area and the junction with Main Street. The grounds of appeal also referred to issues concerning pedestrian and cycle facilities and connectivity to the village centre.
- 7.7.2. In response to the matter of traffic generation the first party highlight that the site is within walking distance of Kilmacthomas Village Centre with a host of amenities and public transport connections. They also cited the Traffic and Transport Assessment (TTA) and the Stage 1/2 Road Safety Audit submitted with the application. The applicant proposes to upgrade Old Road to provide improved vehicular and pedestrian connections to the village as part of the subject development proposal.
- 7.7.3. A Traffic and Transport Assessment (TTA) was submitted with the planning application at further information stage. The proposal comprises 98 no. dwellings to be phased incrementally over a 5 year period. A total of 208 no. car parking spaces are proposed between on-curtilage, on-street and for the creche. Cycle parking can also be accommodated within the curtilage of individual units proposed.
- 7.7.4. In terms of the trips generated by the proposed development it is projected that during the AM peak there would be 64 no. two-way vehicular trips and during the PM

peak there would be 88 no. two-way vehicular trips. As detailed in the TTA two junctions were analysed, the proposed site access on to Old Road and the Old Road/Main Street Junction. For each of these junctions the analysis demonstrated that for 2040 Future Design Year, these junctions are predicted to operate with negligible impact on capacity, queuing or delays. Both WCCC Road Section and TII raise no objection to the contents of the TTA. Accordingly, I am satisfied the proposed development will not adversely impact the operational performance of the local junctions as they relate to the subject proposal.

7.7.5. In relation to pedestrian, cycle and road layout improvements as indicated on Drawing no: 150 Rev. P1 – ‘Proposed Old Road Realignment Plan’ a 1.8m-2m pedestrian path is proposed along the roadside boundary on the north side of Old Road that will link the subject proposal to Kilmacthomas Village. The design proposed also comprises road improvements to provide a 5.5m-6m road width. In this regard, the desired 6m road width and 2m footpath width is not achievable for the full length of the road due to land ownership constraints. The Planning Authority accept that a 5.5m road width and 1.8m footpath width is acceptable, however the proposal to reduce the footpath width to 1.2m for a 10m stretch at the junction with Western Terrace is not acceptable and will have to be increased to 1.8m. The applicant has not been able to obtain consent from the owner of the house at the junction of Old Road/Western Terrace to provide the 2m footpath width for the 10.37m length of the front boundary of this house. Waterford City and County Council included a condition on the grant of permission requiring the developer/applicant to pay a financial contribution to ensure the provision of the footpath at this location.

7.7.6. The report of the Planning Officer which assessed the further information noted the reports from the Roads Section and that a road width of 5.5m is acceptable. I consider the proposed road layout changes will significantly benefit the wider area in terms of access, vehicular safety and pedestrian connectivity by adding a new footpath and additional road width along this link. The contents of the submitted Road Safety Audit are noted with a number of required improvements identified. In relation to this, I note that the reports from the WCCC Roads Section in response to the further information, and that they were satisfied with the information provided including the findings and recommendations of the Road Safety Audit. The applicant

has accepted the proposed road safety design changes, and I am satisfied, in compliance with guidelines, that the necessary road upgrades, including footpath widths, can be implemented as part of a grant of permission and subject to appropriate condition.

- 7.7.7. In relation to the matter of transport and traffic issues associated with the proposed development, the proposed installation of a public footpath of a minimum 1.8m width, junction upgrade works, pavement realignment, pedestrian crossing point improvements and road widening to 5.5-6m in width, will significantly enhance safety for a range of travel modes, particularly pedestrians. The proposal will not result in a significant number of additional vehicular movements during peak times, nor will it impact significantly on the capacity of the junction with main street. I am therefore satisfied with the proposed scheme in respect of traffic and transport considerations.

## **8.0 AA Screening**

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

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

- 8.1.1. The requirements of Article 6(3) as it relates to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.
- 8.1.1. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
- 1) Description of the plan or project and local site or plan area characteristics.

- 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
- 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
- 4) Screening Statement with conclusions.

### **Project Description**

- 8.1.2. The proposed development as submitted, in summary comprises of a residential development for 98no. detached and semi-detached residential units in single and two storey format, a childcare facility, access, a stormwater attenuation pond, and all ancillary site works on lands at Graigueshoneen, Kilmacthomas, Co. Waterford.
- 8.1.3. An Appropriate Assessment Screening Report and Natura Impact Statement (NIS) were submitted with the application. The purpose of those reports is to examine the development for possible impacts on the integrity of the Natura 2000 network, in particular on the Mid-Waterford Coast SPA (Site Code: 004193). Details are given of the sources of the data, having examined the available files and online sources of information for the local Natura 2000 sites.
- 8.1.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
  - Construction related -uncontrolled surface water/silt/ construction related pollution
  - Habitat loss/ fragmentation
  - Habitat disturbance /species disturbance (construction and or operational)
- 8.1.5. In relation to the matter of habitat loss or alteration, while the proposed development site is hydrologically connected to the Mid-Waterford Coast SPA there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.

### **European Sites**

- 8.1.6. Section 2.5 of the applicant's Screening Report provides an Identification of Relevant European Sites (Natura 2000) within a 15km radius of the proposed development area.

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

European Site	Code	Distance	Direct Hydrological/Biodiversity Connection
Mid-Waterford Coast SPA	004193	8.15km south	Yes
Lower River Suir SAC	002137	8.06km north	No
Comeragh Mountains SAC	001952	5.4km west	No

- 8.1.7. The Qualifying Habitats and Species of each of these Designated Natura 2000 Sites as referred to above are included in Tables 3-5 of the Appropriate Assessment screening Assessment.
- 8.1.8. There is a potential impact receptor pathway via surface water and storm water links between the proposed development and one of these Natura 2000 sites, the Mid-Waterford Coast SPA and these have been screened in by the applicant.
- 8.1.9. As there are no hydrological links/biodiversity connections the other aforementioned (Table 1 above) Natura 2000 sites, have been screened out.

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

European Site (code) and distance from	List of Qualifying Interest/Special	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N
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proposed development	Conservation Interest			
Mid-Waterford Coast SPA 004193 Distance 8.15km	Cormorant (A017) Peregrine (A103) Herring Gull (A184) Chough (A346)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation interests for this SPA.	There is source – pathway – connectivity between the proposed development site and the Mid-Waterford Coast SPA. The Mahon River is located to the north of the subject site and exits adjacent to the SPA.	Yes

8.1.10. I have reviewed the information on file and the documentation submitted by the applicant. Given the potential for indirect affects through surface water discharge during construction, significant impacts on this site cannot be discounted. In view of the proximity and hydrological connection this proposal has potential to impact on the integrity of the Mid-Waterford Coast SPA and this is considered further in the Screening Rationale below.

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

##### Mid-Waterford Coast SPA

8.1.11. Details provided in the AA Screening Report provide that there is a potential pathway from the proposed development site to this SAC (c.8.15km to the south of the subject site at its closest point) via the Mahon River, which is located to the north of

the proposed development site. Potential significant effects on the Qualifying Interests (QI) may arise in the form of emissions to surface water resulting from the construction phase. A Sustainable Drainage System (SuDs) will operate to filter and slow down the flow of any surface or storm water on the site during the operational phase as illustrated in the submitted documents and drawings with the application. Indirect habitat/species loss or deterioration of Natura 2000 sites (including water quality) within the surrounding area can occur from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. As the Mahon River flows out to Bunmahon Strand, adjacent to the Mid-Waterford Coast SPA, then the qualifying bird species may utilise this water course for drinking and as a potential food supply, hence there is a potential pathway for impact.

8.1.12. The majority of run-off from the development site will discharge to a wetlands pond which is located to the north of the subject site, to the south of the Waterford Greenway. The pond is designed to 'Sustainable Drainage Design & Evaluation Guide 2021' and will discharge to an existing stream which flows under the greenway. The stream flows through woodlands in the ownership of the applicant and discharges into the River Mahon. A separate attenuation area is proposed within the eastern portion of the site but this system discharges to the storm sewer at Old Road and therefore is not connected to the SPA.

8.1.13. The proposed development is not likely to have a direct significant effect on the qualifying species and habitats of the three European Sites detailed in Table 1. However, there is a potential pathway for indirect effects for the Mid-Waterford Coast SPA during construction. Therefore, the project must proceed to a Stage II Natura Impact Assessment.

### **Conclusion – Stage 1 AA**

8.1.14. The European Sites are designated as SAC or SPA based on qualifying habitats and/or species listed in Annex I and Annex II of the EU Habitats Directive. None of the qualifying species or habitats detailed in the site synopsis or conservation objectives for each of the identified European Sites, were identified in the site survey work undertaken by the applicant and submitted in the AA Screening Assessment.



- 8.1.15. The AA Screening Assessment demonstrates that the proposed development has no direct likely effects on the species or habitats of the Lower River Suir SAC or the Comeragh Mountains SAC. Due to the geographical separation and absence of a hydrological connection there is no pathway for direct or indirect risk to the receptors of these two European Sites. However, as detailed above, there is a potential indirect pathway for risk to the Mid-Waterford Coast SPA from surface water and storm water runoff during the construction phase of the proposed development.
- 8.1.16. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, Stage 2 Appropriate Assessment is not required for the Lower River Suir SAC and the Comeragh Mountains SAC and these two European Sites can be screened out. However, it has been concluded that the project individually (or in combination with other plans or projects) could have an indirect effect on European Site No. 004193 (Mid-Waterford Coast SPA), in view of the site's Conservation Objectives, and an Appropriate Assessment and submission of a NIS is therefore required.

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

- 8.2.1. The application includes a Natura Impact Statement (NIS) which examines and assesses potential adverse effects of the proposed development on the following European Site:
- Mid-Waterford Coast SPA (site code: 004193)
- 8.2.2. In general, I am satisfied that the NIS for the proposed housing development adequately describes the proposed development, the project site and the surrounding area. The Appropriate Assessment Screening concluded that a Stage 2 Appropriate Assessment (NIS) was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for the site and its conservation objectives, suggested mitigation measures, assessed in-combination effects with other plans and projects and identified any residual effects on the European site and its conservation objectives.

- 8.2.3. The NIS concluded that, subject to implementation of mitigation measures, that the proposed housing development at Gragushoneen will not adversely affect the integrity and conservation status of the Mid-Waterford Coast SPA in view of the conservation objectives for the site considering best scientific evidence.
- 8.2.4. Having reviewed the documents, submissions and studies submitted, I am satisfied that the information including that in the NIS (dated 7<sup>th</sup> of February 2023), allows for a complete assessment of any adverse effects of the development, on the conservation objectives of this European site alone, or in combination with other plans and projects.

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

- 8.2.5. The following is an assessment of the implications of the project on the relevant conservation objectives of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are identified and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.
- 8.2.6. I have relied on the following guidance:
- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
  - EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
  - EC (2011) Guidelines on the Implementation of the Birds and Habitats Directives in Estuaries and Coastal Zones.
  - EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.
- 8.2.7. **Relevant European site:** The following site is subject to appropriate assessment.
- Mid-Waterford Coast SPA (Site code: 004193)
- 8.2.8. A description of this site and its Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for this site, is set out in the NIS and

outlined in Tables 3 below. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives for this site available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

### Aspects of the proposed development

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

- Impacts to water quality via surface water run off, nutrient release or increased siltation through construction related pollution events.

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

8.2.10. Table 3 below summarises the appropriate assessment and site integrity test. The conservation objectives, targets and attributes as relevant to the identified potential significant effects are examined and assessed in relation to the aspects of the project (alone and in combination with other plans and projects). Mitigation measures are examined, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of European sites.

8.2.11. In addition to the summary tables, key issues that arose through my examination and assessment of the NIS are expanded upon in the text below:

**Table 3 – AA summary matrix for the Mid-Waterford Coast SPA**

<p>Mid Waterford Coast SPA (Site Code 004193)</p> <p>Summary of Key issues that could give rise to adverse effects</p> <ul style="list-style-type: none"> <li>• Water Quality Impacts created by construction activities on site</li> </ul>					
		Summary of Appropriate Assessment			
Targets & Attributes (as relevant):	Conservation Objectives:	Potential adverse effects:	Mitigation measures:	In-combination effects:	Can adverse effects on integrity be excluded?
The favourable conservation status of a species is achieved when: -	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation	There is a potential pathway from the proposed development site to this SAC (c.8.15km to the	• Construct berm at northern end of site to prevent run off to spring	Assessed with two smaller housing developments in Kilmacthomas, granted	Yes.  Identified indirect impacts in the form of

<p>population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and - the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and - there is, and will - probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.</p>	<p>Interests for this SPA:</p> <p>Cormorant (A017) Peregrine (A103) Herring Gull (A184) Chough (A346)</p>	<p>south of the subject site at its closest point) via the Mahon River, which is located to the north of the proposed development site. Potential significant effects on the Qualifying Interests (QI) may arise in the form of emissions to surface water resulting from the construction phase. A Sustainable Drainage System (SuDs) will be in place during the operational phase to filter and slow down the flow of any surface or storm water on the site as illustrated in the submitted documents and drawings with the application. Indirect habitat/species loss or deterioration of Natura 2000 sites (including water quality) within the surrounding area can occur from the effects</p>	<p>that feeds into River Mahon</p> <ul style="list-style-type: none"> <li>• Earth works will take place during periods of low rainfall to reduce run-off and potential siltation of watercourses.</li> <li>• Good construction practices such as dust suppression and regular plant maintenance.</li> <li>• No earth moving works to be undertaken during rain weather. Avoid works when inundation of work area may occur.</li> <li>• No plant maintenance on site.</li> <li>• Refuelling to take place using bund trays at least 50m from water courses.</li> <li>• Fuel containers to be stored within a secondary containment system.</li> <li>• Taps, nozzles or valves will</li> </ul>	<p>permission in 2021 and a recent upgrade permission for Flahavan's Mills. Given the small scale nature of these developments, appropriate assessment issues are not likely to occur.</p> <p>The potential cumulative impacts of the proposed development were considered following research of known and likely plans and projects in the area and on the basis that the proposed development has been designed to avoid significant adverse impacts on the integrity of European Sites.</p>	<p>surface water pollution during construction can be avoided by way of mitigation. It can therefore be excluded, on the basis of objective scientific information that the project, individually or in combination with other plans or projects, will not impact on the integrity of the European Site.</p>
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		<p>of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. As the Mahon River flows out to Bunmahon Strand, adjacent to the Mid-Waterford Coast SPA, then the qualifying bird species may utilise this water course for drinking and as a potential food supply, hence there is a potential pathway for impact.</p>	<p>be fitted with a lock system.</p> <ul style="list-style-type: none"> <li>• Fuel and oil storage areas to be inspected regularly for leaks and signs of damage. Bunded trays will be used to retain leaks and spills. Only trained operators authorised to refuel plant on site.</li> <li>• Procedures and contingency plans will be set up to deal with emergency accidents or spills. An emergency spill kit will be kept on site.</li> <li>• An environmental officer will be appointed by the contractor to ensure adherence to environmental measures.</li> <li>• A weekly checklist will be filled in to show measures are adhered to.</li> <li>• Any environmental incidents will immediately</li> </ul>		
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			<p>be reported to the project manager.</p> <ul style="list-style-type: none"> <li>• The site manager will continually monitor works and be fully aware of environmental constraints and protection measures required.</li> <li>• Following completion of works, the ecologist will provide a final audit to show how the works complied with the environmental provisions described in the NIS.</li> <li>• During operational phase, SuDs measures are proposed to provide an attenuation pond that will intercept and filter runoff from the site.</li> </ul>		
<p><b>Overall Conclusion: Integrity Test</b></p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of the Mid-Waterford Coast SPA in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					

## European Sites

### Mid-Waterford Coast SPA (Site Code 004193)

- 8.2.12. According to the Site Synopsis, the Mid-Waterford Coast SPA encompasses the areas of high coast and sea cliffs including land adjacent to the cliff edge. Sea cliffs are the prominent habitat of the SPA and these are generally well vegetated by typical sea cliff species, with heath, improved grassland, unimproved wet and dry grassland and woodland occurring above.
- 8.2.13. It is noted that the site supports an internationally important population of breeding Chough, which is listed on Annex I of the Birds Directive. A survey in 1992 recorded 24 breeding pairs and a 2002/ 2003 survey recorded 20 pairs. Five flocks totalling 59 birds were recorded in 1992 and a flock of 24 birds was recorded in 2002/ 2003. The site also supports a nationally important population of Peregrine (10 pairs in 2002), and as recorded in 1999-2000 Cormorant (79 pairs) and Herring Gull (147 pairs). These four bird species represent the Special Conservation Interests for which the SPA is designated.
- 8.2.14. A vegetation survey was undertaken of the appeal site. No rare species were identified on site. Within the site there were three vegetation habitats identified, classified according to the Fossitt system. These were *GA2 Improved amenity grassland*, *WL1/WL2 Hedgreow/Treelines* and *FP Spring*.

### **Analysis of the Potential Impacts**

- 8.2.15. Section 4.0 of the NIS has been prepared to outline the construction and operational phase measures in addition to detailing the potential direct and indirect impacts on sensitive receptors within the Natura 2000 sites downstream of the proposed development. This provides a description of the potential impacts that the proposed development may have on the qualifying interests and conservation objectives in the absence of mitigation.
- 8.2.16. The proposed development is not within a designated conservation site. As noted, the site is hydrologically connected to the Mahon River via a local stream that traverses through the subject site. The nearest European site with a hydrological pathway is the Mid-Waterford Coast SPA, which is located downstream of the subject site. Qualifying Interests of the Mid-Waterford SPA include bird species Cormorant, Peregrine, Herring Gull and Chough. No other European sites have a direct hydrological connection or pathway from the proposed development site.

Mitigation measures to prevent impact on European Sites are outlined in section 4.5 of the NIS.

### **Mitigation Measures**

- 8.2.17. The Screening for AA identified that the potential impacts that could (without mitigation) cause a significant effect on the qualifying interests and conservation objectives of the Mid-Waterford SPA during the proposed construction works from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. Uncontrolled runoff could enter into the Mahon River which enters the sea at Bunmahon Strand, adjacent to the Mid-Waterford Coast SPA, then the qualifying bird species may utilise this water course for drinking and as a potential food supply, hence there is a potential pathway for impact on the SPA. The application of preventive measures will ensure that impacts do not reach the SPA and that adverse effects on the relevant qualifying interests can be avoided.
- 8.2.18. Mitigation Measures are detailed in Section 4.5 of the NIS and precautionary measures to be taken during construction and operational phases are outlined. A robust series of mitigation measures relative to the proposed development will be carried out to ensure that there will be no significant effects on the Mid-Waterford SPA (these are listed in Section 4.5 of the NIS). The proposed measures would ensure that no significant quantities of silt, dust, or pollution enters the Mahon River from the subject site, thus mitigating potential for downstream impacts on European sites. Early implementation of ecological supervision on site is seen as an important element of the project, particularly in relation to the implementation of mitigation on site.
- 8.2.19. In general, I am of the opinion the habitats recorded on site are unlikely to support any of the Special Conservation Interest species for which the Mid-Waterford Coast SPA is designated. Furthermore, there is, and will probably continue to be, a sufficiently large habitat in the wider area and in closer proximity to the SPA to maintain the Special Conservation Interest species on a long-term basis.
- 8.2.20. In conclusion, I am satisfied that with full and proper implementation of the above mitigation measures, it can be determined, beyond all reasonable and reliable scientific doubt, that the proposed development will not result in adverse effects on



the integrity of the Mid-Waterford Coast SPA. The mitigation measures will address the source of any potential impacts and are adequate to protect against sedimentation and pollutants arising from surface water run-off to various watercourses that drain to the coast.

### **In-Combination Effects**

- 8.2.21. Section 5.0 of the NIS notes that there are 2no. developments that received planning permission located in the area immediately surrounding the subject site. These are two separate planning permissions for 7no. (Ref. 19748) and 6no. (Ref. 19514) units. An additional permission (Ref. 2360493) for replacement silos at the Flahavan Mills has also been granted since the subject application was submitted to the Planning Authority.
- 8.2.22. The NIS notes that due to the small-scale nature of the proposed housing development works, and absence of permission along the course of the River Mahon, they will not have any significant adverse impacts on the ecology of the area.
- 8.2.23. In relation to the application for replacement silos at Flahavans Mills, the Local Authority Planner concluded that the proposed development would not be likely to have a significant effect on a Natura 2000 Site.
- 8.2.24. Section 5.1 of the NIS provides that no projects that are proposed or currently under construction could potentially cause in combination effects on European sites. The proposed development in addition to the other developments proximate to the site has incorporated SuDS measures to ensure greenfield runoff rates. Given this, they provide that cumulative or in-combination impacts will not be caused by the proposed development, provided the suggested mitigation measures are implemented.
- 8.2.25. Section 5.0 of the NIS provides that following the implementation of the mitigation measures outlined (Section 4.5.1 and 4.5.2 of NIS), the construction and presence of this development would not be deemed to have a significant impact on the integrity of these European sites. It concludes that no significant impacts are likely on European sites, along with or in combination with other plans and projects based on the implementation of standard construction phase mitigation measures. Having regard to the information set out therein, the mitigation measures proposed, the

small scale and nature of the other permitted developments in the area I am satisfied that no cumulative impacts arise.

## **AA Conclusion**

- 8.2.26. The Applicant's NIS concludes that there are no significant likely negative effects on the Natura 2000 sites. Potential impacts from construction and operation pollutants (including dust, water run off, nutrient release), will be removed with the prevention measures built-in to the project. Mitigation measures will be in place to ensure there are no significant impacts on the Mahon River that leads to the designated site. The NIS provides that it may be concluded that the project will not have any significant effect on the integrity of the Natura 2000 site network, in particular on the qualifying features of the Mid-Waterford SPA. That neither will it have any influence on the attainment of the conservation objectives.
- 8.2.27. I have considered the proposed development to provide a residential development for 98 units, creche, access, connection to services and ancillary works on the subject site, in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 8.2.28. Having carried out a screening for Appropriate Assessment of the project, I conclude that it may have a significant effect on the Mid-Waterford SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of their conservation objectives.
- 8.2.29. I can conclude from the NIS that subject to the implementation of the mitigation measures outlined that there are no significant likely negative effects on the aforementioned Natura 2000 sites. Potential impacts from construction and operation will be removed with the prevention measures built-in to the project and the mitigation measures as set out in Section 4.5 of the NIS. Therefore, I conclude, in light of best scientific knowledge that the project will not have any significant effect on the integrity of the Natura 2000 site network, in particular on the Mid-Waterford SPA. That neither will it have any influence on the attainment of the conservation objectives.
- 8.2.30. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the European site Nos. 004193 or any other European site, in view of the site's Conservation Objectives.

- 8.2.31. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## 9.0 Recommendation

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

## 10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, to the rural village land use zoning of the site that allows residential land use, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars submitted on the 7 <sup>th</sup> of February 2023 and by the further information submitted on the 20 <sup>th</sup> December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	<b>Reason:</b> In the interests of clarity.
2.	<p>The mitigation and monitoring measures outlined in the plans and particulars including the Natura Impact Statement relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval required further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p><b>Reason:</b> In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.</p>
3.	<p>(a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47</p>

	<p>agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.</p> <p>The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final</p>

	<p>archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p><b>Reason:</b> To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
6.	<p>The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Archaeological Assessment Report. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.</p> <p><b>Reason:</b> To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest</p>
7.	<p>A suitably qualified Ecological Clerk of Works shall be retained by the developer to oversee the site clearance and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.</p> <p><b>Reason:</b> In the interest of biodiversity and the protection of European Sites.</p>
8.	<p>The site including the areas of open space and the attenuation pond area shown on the approved plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting</p>

	<p>season thereafter. This work shall be completed before any of the dwellings are made available for occupation.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.</p>
9.	<p>The location, layout and design specification of any pathway connecting the site to the Greenway to be provided by the developer shall be agreed with the Roads Section. A revised site layout and copy of all agreements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development.</p> <p><b>Reason:</b> In the interests of active travel, residential amenity, proper planning and sustainable development.</p>
10.	<p>The access from the public road and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>A footpath connecting the subject site from Old Road (L7099) as far as the junction of Main Street (L3043), including the junction upgrade works shall be provided by the developer in accordance with the Junction and road Realignment Drawings 22020-200-3 and 22020-202 date-stamped 20<sup>th</sup> December 2023. Prior to the commencement of development detailed specification for same shall be submitted and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interests of pedestrian safety and connectivity to the wider area.</p>
12.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these</p>

	<p>facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
13.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
14.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
15.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
17.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the</p>



	<p>planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
18.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
19.	<p>The construction of the development shall be managed in accordance with a Construction Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
20.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to</p>

	<p>commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
21.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
22.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>

23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
24.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

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Matthew McRedmond  
Senior Planning Inspector

14<sup>th</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-319141-24			
<b>Proposed Development Summary</b>	Demolition of existing agricultural buildings and construction of 98 no. dwellings, creche and all associated ancillary site works. A Natura Impact Statement is submitted with the application.			
<b>Development Address</b>	Graigueshoneen, Kilmacthomas, Co. Waterford			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓	
		<b>No</b>	No further action required	
<b>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?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	✓		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10 (b) (i)	Proposed 98 unit development does not meet or	Proceed to Q.4

			exceed 500 dwelling threshold	
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

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