



An
Bord
Pleanála

Inspector's Report

ABP-321288-24

Development	Construction of 79 apartments in 3 blocks, with associated site development works.
Location	Deerpark, Outer Ring Road (Cumann na mBan), Williamstown, Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2460374
Applicant(s)	Noel Frisby Construction Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Kate Finn on behalf of Deerpark Residents
Observer(s)	None
Date of Site Inspection	21 st February 2025
Inspector	Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The subject site is located 2.5km south of Waterford City Centre, at Deerpark, Outer Ring Road, Williamstown, Waterford. The site is 1.04 hectares in area and is generally 'L' shaped. The site forms part of an emerging residential area that is currently under development, with existing two storey residential to the north and separately permitted apartment blocks to the east and south. The subject site is currently used for storage of construction material and machinery. The site is bound by Deerpark Avenue to the north, permitted residential development that bounds Williamstown Way to the east and the Outer Ring Road (R710) to the south.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 3no. 3-5 storey apartment blocks (Blocks D, E and F) consisting of 79no. apartment units (12 no. 1-bed, 66no. 2-bed and 1no. 3-bed) with all associated site works on this vacant site.
- 2.2. The following key details are noted:

Site Area	1.04ha
No. of units	79 no. Block D: 5no. 1-bed, 28no. 2-bed and 1no. 3-bed apartments (34no. total) Block E: 3no. 1-bed, 18no. 2-bed (21no. total) Block F: 4no. 1-bed, 20 no. 2-bed (24no. total)
Building Heights	Block D: 4-5 storeys Block E: 3-4 storeys Block F: 4 storeys
Density	76 units/hectare

Car Parking Provision	98 spaces (including visitor spaces, EV Parking and accessible parking)
Vehicular entrance	New entrances (2no.) from existing Deerpark residential development
Usable Open Space	15% (stated) – 1,590m ²

3.0 Planning Authority Decision

3.1. Decision

On the 23rd October 2024, Waterford City and County Council Granted Permission for the proposed development, subject to 21no. conditions. Condition 13 requires the applicant to undertake a noise assessment prior to the commencement of development and to recommend any necessary noise mitigation measures.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- It is noted the site is accessed via an entrance that formed part of a previous permission (Ref. 21/215 as amended by Ref. 24/60113) for 78no. apartments and a creche adjoining the subject site. The current access arrangement was permitted under Ref. 22/590.
- The principle of the proposed development is consistent with the 'Regeneration' zoning of the site.
- The site is considered a 'City - Suburban/Urban Extension' as per the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 and a 'Peripheral and/or Less Accessible Urban

Locations' within the context of the 'Design Standards for New Apartments Guidelines for Planning Authorities'.

- The proposed density of 76 units per hectare is acceptable given the location of the site, the existing context and zoning.
- The proposed development will meet housing need requirements in terms of unit types proposed.
- The submitted Social Infrastructure Audit details are considered acceptable.
- The provided separation distances from the proposed apartment blocks and existing residential to the north is noted in the context of the Development Plan and the Compact Settlement Guidelines. A minimum of 16.5m separation is proposed between Block F and the side gable of semi-detached units to the north. Given the windows on the northern elevation and a section of the balconies being open to these elevations, there is a concern in relation to residential amenity impacts.
- Roads Section raised no objection to the principle of the development or the capacity of the road network in the area.
- Existing attenuation tank with spare capacity to be utilised. SuDS measures were requested under Planning Ref. 24/60113.
- Boundary details unclear from drawings provided.
- All apartments meet the minimum floor area standards as set out in the Apartment Design Guidelines.
- 50% dual aspect apartments required due to location, which also requires a quality design to ensure good street frontage given the prominence of the site adjoining the Outer Ring Road.
- The Planner recommended that further information was sought in relation to a number of items.

Further Information Response

The applicant submitted a further information response in September 2024, which included the following:

- Revised proposals for Block F including the reduction in width of kitchen windows, replace windows of living areas with clearstory windows and include select louvre screens to the balconies of upper floor apartments, all on the northern elevation of the apartment block.
- Confirmation that cyan lines on drawings refer to infiltration channels.
- Revised drainage plans submitted identifying where the proposed storm line connects to the attenuation tank prior to discharge at the south west corner of the site.
- Details of appointed archaeologist and strategy for monitoring and review of archaeological findings at the subject site.

Planning Authority Response

The Planning Authority considered the submitted further information details to be acceptable and recommended a grant of permission.

3.2.2. Other Technical Reports

- **Roads Section** – No Report on file but Planner’s report indicated a discussion was had with Roads Section who raised no objection to the principle of the development or the capacity of the road network in the area. Clarification sought in relation to connections to underground attenuation tank that was provided at FI stage.
- **Environment Section** – Raised no objection to the subject proposal, subject to conditions in relation to waste management and noise impact assessment.
- **Fire Authority** – Firefighting facilities on site to comply with standard requirements.

3.3. Prescribed Bodies

Department of Housing, Government and Local Heritage – Two archaeological sites identified in close proximity to the subject site. Appointment of an Archaeologist and an Archaeological Impact Assessment to be undertaken as part of FI, which was provided by the applicant at that stage.

3.4. Third Party Observations

3.4.1. A number of submissions were made at original application stage and at FI stage of the process. The main issues raised can be summarised as follows:

- Lack of supporting facilities in the area including education, public transport and health.
- Proposal will add to existing traffic issues at the Outer Ring Road.
- Lack of public transport at this section of Outer Ring Road.
- Issues of privacy and inadequate turning areas leading to direct view into existing homes.
- The proposed blocks themselves will lead to issues of overlooking and privacy.
- Block E will result in issues for privacy, sunlight and views. This is worsened by level differences between the subject site and existing properties where overlooking will occur from the subject proposal.
- Anti-social behaviour and crime an issue in the area.
- The original plan for this area was for houses and not apartments. Expectation for existing residents was for a low-density housing area.
- Structural issues with existing dwellings that were recently purchased.
- The planning application must be assessed under the Planning and Development Act, form a view in relation to Environmental Impact, consider the application under the Habitats Directive and the Water Framework Directive. As the site is within the zone of influence of the Lower River Suir SAC, an Appropriate Assessment is required.
- The proposal would drastically alter the green spaces and character of Deerpark that are existing. Property values will be impacted by the proposal.
- Lack of parking in subject proposal that will lead to parking in other areas.

4.0 Planning History

WCCC Ref. 24/60113: Permission granted in July 2024 at the adjoining site to southeast for 78no. apartments in 3no. blocks (Block A, B and C) of 4-5 storeys in height. Block A and B are 4 storeys in height and Block C is 4-5 storeys with a creche at ground floor. The application also includes 1no. vehicular entrance to the site from the existing Deerpark Residential Estate. This application supersedes Reg. Ref. 21/215.

WCCC Ref. 22/590: Permission granted for amendments to Reg. Ref. 21/215 that include a new entrance on to Outer Ring Road in lieu of originally permitted entrance to Williamstown Way.

WCCC Ref. 21/215: Permission for 88no. dwellings including two storey and three storey duplex units, and 2no. 4-storey apartment blocks incorporating a creche. This permission was superseded by Reg. Ref. 24/60113 above.

WCCC Ref. 21/382: Permission granted for the retention of filling laid in order to raise levels of open space zoned land for purpose of landscaping. This is an area of land to north of subject site and northwest of existing Deerpark/Knightswood dwellings.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.
- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.1.3. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which supports the more intensive use of sites in locations served by existing facilities and public transport. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.

5.1.4. It is worth noting the National Planning Framework is currently undergoing a comprehensive review to reflect changing population and demographic projections for Ireland, which will necessitate revised housing targets countrywide. 50,500 new dwellings per annum are required to meet demand, scaling up to 60,000 homes in 2030.

5.1.5. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the strengthening of the role of Waterford Metropolitan Area including through compact growth.

5.2. **Rebuilding Ireland – Action Plan on Housing and Homelessness 2016**

5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

5.3. **National Biodiversity Action Plan (NBAP) 2023-2030**

5.3.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public

body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.4. Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013

- 5.4.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.5. Waterford City and County Development Plan 2022-2028

- 5.5.1. The Waterford City and County Development Plan 2022-2028 (WCCDP) is the relevant statutory plan that applies to the subject site. The Plan designates Waterford City as a Class 1 Settlement – City Metropolitan Area that is accessible with national and international connectivity, strong business core, innovation, education, retail, health and cultural role.

Zoning

- 5.5.2. The appeal site has a land use zoning of 'Regeneration' – which has a vision that: *'Development on this strategic site should provide strong architectural design as a key landmark/ gateway to Waterford City; Development on this site should be mixed use high density with emphasis on neighbourhood scale retail/services, employment and residential uses; Any development proposal shall facilitate active and green infrastructure/active travel linkages through the site from Killure Road/ Outer Ring*

Road to St Otterans; Provide a strong architectural response for the site addressing both the Killure Road/ Outer Ring Road; The site has potential to accommodate taller building(s).' Residential is permitted in principle under this zoning.

Core Strategy Policy Objectives

5.5.3. The following policies and objectives of the Plan are of relevance:

- CS 03 Compact Growth - In a manner consistent with NPO 34 and 35, we will promote and support an efficient, equitable and sustainable pattern of residential and other development that delivers compact growth and critical mass for sustainable communities in Waterford, by managing the level of growth in each settlement.

Relevant Development Plan Policies

W City 29: City Suburbs: To retain, protect and improve the environmental qualities of the existing suburban areas; to reinforce their neighbourhood/district commercial centres and to provide for additional community youth and public services, amenities and facilities as required.

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

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

General Housing Policy Objectives

5.5.4. Other policies of the development Plan of relevance to the subject proposal are summarised as follows:

- H01 – To promote compact growth through the development of new residential on infill sites.

- H02 – Ensure new developments are appropriate in terms of scale, form, character and location in relation to services and amenities and that proposals are designed in accordance with applicable guidance and standards.

- H 04 (in full): We will promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/ brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities. This will be achieved by:

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

- Trans 09 – Connectivity and permeability: Ensure all developments provide connectivity/permeability to the adjacent road network and adjoining zoned lands.

- DM04 – Applications are required to adhere to best practice urban design guidelines ‘Urban Design Manual – A Best Practice Guide’.
- Section 3.2 of the Development Pam sets out that *“In the application of densities, it is also important to recognise and reflect the function and character of the urban area (i.e. city, towns, villages and settlement nodes), as set out in the settlement hierarchy in Volume 1: Section 2.9 - Table 2.2”*
- DM05 – A range of criteria will be considered in relation to residential proposals including proximity to public transport and services, design and layout, size and scale of the proposed development and ability to propose its own density among other physical features of the site such as topography.

5.5.5. Table 3.1 of the Development Plan sets out a range of standards for new residential developments including 15% public open space, private open space quantum, separation distances of 22m, car parking standards (2 spaces per 3-bed or more units), sightlines of 70m in 50kph areas, and compliance with DMURS.

5.6. **Natural Heritage Designations**

5.6.1. The Lower River Suir Special Area of Conservation is located approximately 1.5km northeast from the subject site.

5.7. **EIA Screening**

5.7.1. I have had regard to the determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of 79no. residential units, within an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See completed Form 1 and 2 at Appendix 1.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A Third-Party Appeal has been submitted against the decision made by Waterford City and County Council to grant permission for the proposed development.

The grounds of appeal can be summarised as follows:

- The initial plan for the subject site was for houses and not apartments, which is not consistent with existing residents' expectations for the area when they purchased their homes.
- The approved permission for 3 apartment blocks already towers over existing homes, particularly unit No. 1 Deerpark. Block F in the subject proposal will have a similar effect on Unit 8.
- The proposal will infringe on privacy of existing units by overlooking back gardens. Clear story windows and louvres proposed by the applicant are not sufficient to protect privacy.
- The proposed blocks will also obstruct natural light, casting long shadows over houses and gardens.
- Large kickabout area promised by developer has not been provided and the intended area is instead used for the storage of horses, which provides an unsafe/unsuitable open space for use by children that is not expected to be delivered for 12months+.
- Traffic Management in the area is also a huge concern given the number of permitted units and creche in the area. Delays on outer ring road also experienced since new traffic lights at Farronshoneen roundabout. Proposed entrance via John's Park that is currently used for construction purposes will come too late and not until adjoining neighbourhood centre, shops/cafes are complete. Traffic impacts on ambulance routes to Waterford University Hospital also highlighted.
- Lack of local facilities such as education and childcare in the area.
- Rise in anti-social behaviour in the area, creating unsafe spaces and low morale across the community.
- Other issues with existing properties include leaks, lack of insulation and plumbing issues.

- Suggestion to move proposal to alternative site further west.
- Supporting material included letters from local Councillors and drone photography.

6.2. **Applicant Response**

The applicant provided a response to the grounds of the appeal, which can be summarised as follows:

- The development was the subject of two planning applications in 2006 (06/500415) and 2007 (07/500372) that also included a Masterplan for their development. In the 20 years since then, the essential elements of that masterplan have not changed but some revisions have been made to improve residential amenity and comply with new development plan policy.
- Plans are in place for a 2025 planning application for a neighbourhood centre to the west of the subject site.
- Reg. Ref. 22/590 provided an access to the Outer Ring Road at the midpoint of the site.
- Apartments have been proposed at the land bounding the Outer Ring Road since 2006 and no permission was ever in place to develop housing. Policy and Development Plan requirements in relation to density would remove the possibility of low-density housing at this location, adjacent to public transport. The Development Plan requirements for a strong architectural response and for taller buildings also informed the design brief.
- Following a lease agreement with Council and the grant of planning permission under 21/382 an additional 4.7 hectares of landscaped open space north of Deerpark and Knightswood Residential developments is being filled, graded and landscaped with excavated material from ongoing developments. Upon completion this area of open space will be available to residents.
- Issues with buildings and other teething issues are being dealt with.
- A further revision to the northern elevations of Blocks E and F are put forward in the response to the appeal, which removes all windows on the northern

elevation with the exception of a narrow kitchen window with obscure glass. The revision also closes off the balcony with a solid wall on the northern side to remove the possibility of overlooking of houses and back gardens in the existing Deerpark Phase 1.

6.3. Planning Authority Response

None on file.

6.4. Observations

None on file.

6.5. Further Responses

The Third-Party appellant provided a response to the applicant's response. The main points of the response can be summarised as follows:

- The third party appeal represents almost 50 residents in the resident's association and it is not a sole appellant.
- Application Ref. 06/500415 is for a retail park so relevance is questioned. Unable to determine reasons for appeal for 07/500372 but these permissions from 20 years ago have no relevance to current issues which have worsened over time.
- Section 3.2 of the Waterford City and County Development Plan 2022-2028 is referenced in terms of delivery of compact growth in line with improved public transport, which is not the case at this location.
- Residents were sold their homes based on a submitted brochure that showed 3 apartment blocks and housing. The proposed 6 apartment blocks have a greater impact on the locality. The impact of this revised plan is being felt by residents of the area including quality of life, mental health and well-being.
- The 3 playing pitches at Williamstown sports complex are not available to children of a certain age. They are also not accessible for public use.
- Unclear if proposed open space/green space is for residents or for waste disposal. The space is currently the setting for anti-social behaviour and it is

difficult to envisage this area evolving into a green space for kickabouts. The appellant accepts that this is not specifically an issue for the applicant.

- The revisions to the northern elevation do not remove the possibility of overlooking as residents can stand on the balcony and look sideways. Long shadows and blocking of light will result from the subject proposal, which remains a concern, with the variation in ground levels further adding to this issue. The appellant queries if a daylight analysis report has been prepared.
- The focus should be on fostering a sense of belonging and prioritising enhanced quality of life for residents.

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:

- Residential Amenity Impacts
- Social Infrastructure Capacity
- Traffic and Transport Issues
- Other Issues

7.2. Residential Amenity Impacts

7.2.1. The issue of impact on the residential amenities of neighbouring properties has been raised in the appeal. Concern was expressed in relation to potential overlooking, overshadowing and impacts on privacy of properties at Deerpark, to the north of the subject site. Reference was made to the loss of privacy, sunlight/daylight impacts and devaluation of property values due to the height of the proposed apartment blocks in relation to neighbouring properties.

Separation Distances and Overbearing

7.2.2. Separation distances, to guide the protection of privacy, are set out in the development plan and the Compact Settlements Guidelines. The Waterford City & County Development Plan 2022-2028 (Table 3.1 of Volume 2) refers to a separation distance of a minimum of 22 metres as being 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. A minimum of 2.2 meters is required between the side walls of detached, semi-detached and end of terrace dwellings to ensure privacy and ease of access.

- 7.2.3. The 2009 Guidelines on Sustainable Residential Development in Urban Areas have now been replaced by the recently adopted 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, with a separation distance of at least 16m being noted as acceptable.
- 7.2.4. The application is accompanied by a Design and Access Statement prepared by the applicant's Architects that provides a significant level of detail regarding the overall design and layout and how it responds to the location and context. The proposed northern elevation of Block F includes windows to the kitchen/living/dining space for 6no. upper floor apartments, and the side of proposed balconies also face this northern direction. The acceptability of this arrangement is a key consideration in the context of the appropriateness of the subject proposal.
- 7.2.5. Balconies have been set back within the building to maximise separation distance to properties to the north and alterations at further information stage included for high level ('clear story windows') to the northern elevation and a louvre treatment to the northern side of balconies to prevent overlooking. I note the number of windows proposed on the northern façade of Block F, which would be faced by windows on the southern façade of the existing Unit 8 at Deerpark, which also includes an entrance door and a boundary wall.
- 7.2.6. Given the urban context, the infill nature of the subject site, the vacant nature of the site currently and the separation of the subject site from Deerpark dwellings by at

least 16m and by the width of the access road, I am satisfied that the separation distances provided are acceptable in this instance. The presence of the existing access road (Deerpark Avenue) between the subject site and Deerpark to the north is a significant mitigating factor in terms of separation. Deerpark Avenue is a public space that already results in a level of reduced privacy, that otherwise might be associated with overlooking an amenity space or communal area. I also note it is the side elevation/gable end of Unit 8 that faces south towards the subject site. In this regard, I am satisfied that the proposed separation distance would not result in a significant detractor from existing levels of private amenity at Deerpark.

- 7.2.7. The revisions to the northern elevation as accepted by the Planning Authority at Further Information stage provide for narrow windows to the Kitchen/living/dining area, as well as high level/clear story windows to provide additional light. A louvre treatment is proposed to the northern edge of proposed balconies of 6no. units. I note the applicant provided a further revision to the northern elevation as part of the response to the appeal, which removed the high level windows to the kitchen/living/dining area, applied frosted glazing to the narrow windows and applied a block finish to the northern side of proposed balconies. Given the separation distances provided, I do not consider this additional revision to be necessary to further protect residential amenity and privacy, which is adequate in the context of allowing some level of passive surveillance of the street below. This represents an overall planning gain for the area, given the issues highlighted in the appeal in relation to anti-social behavior. The proposal as submitted at FI stage will also provide a better quality of elevation treatment that adds visual interest and does not present as a largely blank façade, which would be the case with the proposal submitted with the applicant's response to the appeal.
- 7.2.8. The separation distance between Block E and Units to the north is at least 22m, Block E is also 3-storeys in height at the northern elevation which I consider to be adequate to prevent any loss of privacy at this location.
- 7.2.9. Overbearing impacts are impacts that a development would have on neighbouring properties by reason of the height, mass and scale which is also a function of the separation distance between the buildings or properties. While there is a certain level of impact from the subject proposal on properties to the north, the separation distances, intervening street and urban context of the site does lend itself to a

building of scale at this location. The 3-5-storey development proposed, with 2-4 storeys at the northern elevations, would have no significant overbearing impact when viewed in the context of the existing streetscape and would provide for an appropriate transition between the existing two storey dwellings at Deerpark and the 4-5 storey apartment buildings permitted and proposed adjoining the Outer Ring Road.

7.2.10. In relation to potential overlooking and overbearing impacts in the subject proposal, the submitted Site Layout Plan shows the proposed dwellings to the north of the site set back distances of between 16.5m in the case of Block F and 22.2m in the case of Block E. An existing access road (Deerpark Avenue) separates the existing dwellings and the proposed apartment blocks to the south. The front of the existing Units 18-28 Deerpark face the subject site, while the gable end and side wall/rear garden of Unit 8 is directly opposite the proposed Block F.

7.2.11. I note the level at the existing access road north of the subject site is given as 40.225 in the submitted Drainage Plan. The level of the Deerpark units fronting the subject site are of a similar finished floor level (FFL) or slightly above at between 39.4 and 42.9. The proposed apartment Blocks E and F have a FFL of 37.85 and 41.0m respectively. I would therefore consider the finished floor levels are sufficiently similar to remove the possibility of proposed building heights being increased as a result of ground and finished floor levels.

7.2.12. I consider the proposed height to be appropriate in the surrounding streetscape. While I note that the total height of the proposal is higher than the existing dwellings at Deerpark and on the north side of the access road, I consider the proposed height is not significantly out of context at this location and provides a gradual increase in height towards the Outer Ring Road, where specific architectural treatment is required given the prominent location of land along this corridor. I do not consider the proposal to be visually dominant or obtrusive and I consider the location to be suitable noting the presence of increased height in the vicinity, including further north in duplex units of 3 storeys on elevated ground, and the permitted developments to the east which are 4/5 storeys.

7.2.13. The proposal incorporates a mixture of white and grey render, select brick, metal window frames, metal railings and louvres. A substantial level of screen planting is

provided along the public road, and sufficient gaps are provided between blocks to allow a substantial level of sunlight and daylight to penetrate. Considering the site constraints, I am of the view that the overall design and scale, is of sufficient quality to protect the amenities of future occupants as well as having regard to the existing built form and scale of adjacent properties.

- 7.2.14. Accordingly, I am satisfied that the separation distances provided, which are well in excess of the 22m required in the Development Plan and the 16m separation distance set out in the Compact Settlement Guidelines, will address both the potential for loss of privacy and overlooking in the context of the separation between the sites. Having regard to the separation distances provided I consider there to be no indication that the subject proposal would result in a devaluation of property values or loss of privacy.

Overlooking

- 7.2.15. Having regard to the overall design objectives for the wider site, the existing streets and the separation distances involved, the challenge at this location is to provide for an efficient use of serviced land, good daylighting to rooms, and security to the street, while avoiding overlooking of the properties to the north of the site.
- 7.2.16. The proposed northern elevation of the development (Blocks E and F) faces the front entrance of properties 18-28 Deerpark and the southern gable of Unit 8 Deerpark respectively. I note from the photos submitted and my visit to site that the upper floor windows of Unit 8 that face the subject site and the location of Block F, are small and are of opaque glazing. I therefore do not consider the level of overlooking to these windows to be unacceptable in this urban context.
- 7.2.17. In relation to the rear gardens, I consider some level of overlooking of rear open spaces to be expected in an urban setting and the separation distance of 16m, coupled with the intervening street will allow for adequate protection of privacy in this instance. As the existing units 18-28 Deerpark are orientated with a front entrance facing south, I do not consider the instances of overlooking to be significant in this instance. Separation distances of at least 22m are proposed between Block E and units to the north, which is more than adequate. The Deerpark properties are also

elevated to a degree above existing street level, further reducing any potential for overlooking.

7.2.18. I note Deerpark Avenue is a busy public place with a number of entrances to properties and linking to existing and under construction dwellings. Any windows overlooking this street will not enjoy the degree of privacy that they would if overlooking private gardens or semi-private communal space. In my opinion the value of having windows overlooking the street, and the environment with eyes on the street would create for occupants of buildings on either side of the street, far outweighs the proximity of an apartment building within a compact urban setting. In my opinion privacy distances of 16m between side windows, with an intervening street should not be a reason to refuse permission in this instance.

7.2.19. In conclusion, having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider the proposed siting and design of the proposed apartment buildings within the scheme and the relative separation distances to the existing dwellings to the north of the site as raised in the appeal, 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 Volume 2 the City and County Development Plan as well as SPPR1 of the Compact Settlement Guidelines in relation to separation distances.

Sunlight and Daylight

7.2.20. Under the grounds of appeal, the third-party submits that the subject proposal is not designed to an appropriate scale and height and would have an impact on sunlight and daylight to existing properties.

7.2.21. Section 5.3.7 of the Compact Settlements Guidelines notes the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high quality living environment for future residents and that when considering new residential development, it is important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The guidelines outline that planning authorities do

not need to undertake a detailed technical assessment in relation to daylight in all cases and may apply a level of discretion in relation to daylight performance.

7.2.22. The appeal site is currently vacant and levels of daylight available in surrounding properties would, as a result, be above that which would normally be available on such sites within an urban setting. As a result, the impact of the proposed development on neighbouring properties may appear more significant than would otherwise be the case. I note the scale of the proposed development is in keeping with the scale of immediately surrounding development as discussed earlier in this assessment, as well as separation distances of at least 16.5m between the proposed apartment building and existing buildings to the north side of Deerpark Avenue, with separation distances rising to 22m in the case of Block E.

7.2.23. The northern elevation of Blocks E and F face towards the existing units at Deerpark. The northern elevation of these two blocks is 16.8m in width and rises to 3 and 4 storeys (approx. 12.65m maximum) in height. Unit 8 has the highest potential to be impacted given the 16.5m separation distance to Block F, however this unit also has windows facing east and west and I therefore consider there to be sufficient opportunity for sunlight and daylight to reach this property when the subject proposal is in place. There is a significant gap of over 100m between Blocks E and F and when taken with the separation to properties to the north, the limited width of the northern elevation and the height of the apartment blocks at 3-4-storeys, I do not consider that significant sunlight/daylight impacts will arise as a result of the subject proposal.

7.3. Social Infrastructure Capacity

7.3.1. The third-party appeal asserts that there is limited provision of social infrastructure facilities within the wider area, and they referenced specifically lack of education and health facilities.

7.3.2. The applicant provided a Social Infrastructure Audit as part of the Design and Access Statement, identifying a range of facilities within approximately 1-2km of the site, including schools, healthcare facilities, sports facilities, beach, transport facilities and cafes/restaurants.

7.3.3. As set out in the submitted audit, there are reliable bus services within 500-800m that connect the site to Waterford City. This accessibility, coupled with the range of

facilities in the locality, would allow for alternative modes of travel and provide sufficient levels of supporting infrastructure for this residential proposal.

- 7.3.4. The proposed 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 H02 of the County Development Plan in relation to appropriate and serviceable residential development. 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.
- 7.3.5. In the wider environs of the site there are schools, shops, medical facilities, sports/leisure recreational amenities and cafes, all of which would benefit from a development that is a comfortable walking or cycling distance from the site. I note land to the west of the subject site is also identified for the purposes of a neighbourhood centre in the future.
- 7.3.6. 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 granting of permission for the subject proposal.

7.4. Traffic and Transport

- 7.4.1. The grounds of appeal refer to the additional vehicular traffic the scheme would generate and the impact it would have on the existing roads including access to the Outer Ring Road that is already heavily congested.
- 7.4.2. A Traffic and Transport Assessment (TTA) was submitted with the planning application. The proposal comprises 79 no. apartment dwellings within an existing residential estate. Vehicular access is proposed onto the Outer Ring Road and various phases of development at this location including scenarios with and without an additional access to Airport Road were assessed in the submitted TTA.
- 7.4.3. In terms of the trips generated by the proposed development it is projected that during the AM peak there would be 68 no. two-way vehicular trips, and during the PM peak there would be 60 no. two-way vehicular trips. As detailed in the TTA the Farronshoneen Roundabout and the Airport Road Roundabout were both analysed. For these junctions the analysis demonstrated that for the 2040 Future Design Year, the junctions are predicted to operate with negligible impact on capacity, queuing or

delays. While some existing delays and queuing are acknowledged at Farronshoneen Roundabout, these are identified as being related to the geometry of the junction rather than peak traffic flows. The subject proposal is not considered to have a significant impact on the traffic flows and junction capacity at this junction. WCCC Roads Section raised no objection to the contents of the TTA.

- 7.4.4. I note from submitted CSO data that 25% of trips to school/college in Waterford City, as of the 2022 census, are by foot or bicycle. Given the number of units proposed, I consider the availability of schools in the area may give rise to alternative trip modes to the private car. Based on the overall low number of forecast vehicle trips from a 79-unit residential development and the identified levels of existing traffic, I consider the potential for significant traffic impacts from the proposed development as negligible. Accordingly, I am satisfied the proposed development will not in and of itself adversely impact the operational performance of the local junctions as they relate to the subject proposal based on the information submitted with the application.
- 7.4.5. In relation to pedestrian, cycle and road layout connections, I am satisfied that the subject proposal forms a natural extension of an existing residential estate, on lands that are zoned for such use. The proposed site layout plan has indicated that adequate road and footpath connections can be provided, without significantly impacting on the surrounding road network and these connections will be vital for reducing car trips in the future from residential uses to other office/commercial uses in the area.
- 7.4.6. The report of the Planning Officer which assessed the application noted a discussion with the Roads Section and that the submitted information was acceptable. I consider the proposed Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) and Quality Audit provide clear evidence that an appropriate assessment of the existing traffic environment has been undertaken to illustrate the appropriateness of the subject proposal at this location. This includes vehicular trips which have had growth rates appropriately applied, and which I consider to be standard industry practice for the calculation of future trip rates to and from a proposed development.
- 7.4.7. In conclusion, in relation to the matter of transport and traffic issues, the proposed development will not result in a significant level of additional traffic that will impact

existing traffic flows or the surrounding road network. Appropriate footpath and road connections are proposed to assimilate the subject proposal into the existing setting and will allow appropriate connections for 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 in the vicinity. Adequate public transport is available within walking distance to reduce reliance on the private car. I am therefore satisfied with the proposed scheme in respect of traffic and transport considerations, and do not consider this to be a reason for refusal in this instance.

7.5. Other Issues

7.5.1. The third-party appeal raises a number of procedural issues generally in relation to the application and the lands surrounding the appeal site. These issues relate to the deficiency in constructed dwellings, anti-social behaviour in the vicinity, and the previous indicated plan for the site being for low-density housing.

7.5.2. Issues associated with existing structural issues and anti-social behaviour, as raised by the appellant are noted. However, any issues with compliance with previous permissions on site are a matter for the Planning Authority. As indicated in the appeal, matters of anti-social behaviour and crime are not matters to be considered by An Bord Pleanála. Indications of alternative plans for the site that do not form part of the Planning Context for the site are not matters for the Board and I do not propose to address these issues in this report.

8.0 AA Screening

8.1. Having regard to the proposed development of 79 dwellings in a serviced urban area and not in or adjacent to a European Site, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1.1. 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 'Regeneration' land use zoning of the site that allows residential land use, to the 'City Metropolitan Area' designation of Waterford, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 5th July 2024 and by the further information submitted on the 27th September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
2.	<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>Reason: In the interest of visual amenity.</p>
3.	<p>The site including the areas of open space shown on the approved plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement</p>

	<p>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 season thereafter. This work shall be completed before any of the dwellings are made available for occupation.</p> <p>Reason: In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.</p>
4.	<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 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>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
5.	<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>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
6.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
7.	<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>Reason: In the interest of public health.</p>
8.	<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>Reason: In the interest of public health.</p>

9.	<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>Reason: In the interests of amenity and public safety.</p>
10.	<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>Reason: In the interests of visual and residential amenity.</p>
11.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
12.	<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>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
13.	<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>Reason: In the interests of public safety and residential amenity.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday and between the hours of 0800 and 1400 hours on Saturday 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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the Planning Authority an assessment of the impact of noise on the proposed development and to provide details of any mitigation measures which may be proposed following this assessment. The assessment shall be carried out in line with the guidance, "ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise: New Residential Development" dated May 2017.</p> <p>Reason: Having regard to the sites location and in the interest of the proper planning and development of the area.</p>
17.	<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>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<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</p>

	<p>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>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
19.	<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>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</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.

Matthew McRedmond
Senior Planning Inspector
25th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321288-24		
Proposed Development Summary	Construction of		
Development Address	Deerpark, Outer Ring Road (Cumann na mBan), Williamstown, Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class 10 (b) (i)	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	√	Proposed 79-unit development does not meet or exceed the 500 dwelling threshold	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Proposed 79-unit development does not meet or exceed the 500 dwelling threshold	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321288-24
Proposed Development Summary	79 apartment development in 3 blocks and all associated site works
Development Address	Deerpark, Outer Ring Road (Cumann na mBan), Williamstown, Waterford
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposed 79-unit residential development is not out of context at this urban location and will not result in any significant waste or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Site is adequately removed from the Lower River Suir SAC and is adequately setback from protected structures in the vicinity to minimise any potential impacts.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Proposed 79-unit residential development is not likely to give rise to any significant impacts locally or transboundary. Construction impacts will be short term and temporary and can be adequately mitigated and managed.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)