



An
Bord
Pleanála

Inspector's Report

ABP-322080-25

Development	Single storey drive-thru restaurant and all associated site works.
Location	Lands at Waterford Retail Park, Outer Ring Road, Cork Road, Butlerstown, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2460803
Applicant(s)	McDonald's Restaurants of Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First and Third Party
Appellant(s)	McDonald's Restaurants of Ireland Ltd. (First Party) Michael Feehan (Third Party)
Observer(s)	None
Date of Site Inspection	19 th May 2025

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The appeal site is located within the Waterford Retail Park on the southwestern side of Waterford City. The area of the site is 0.397ha and is proposed within the existing car park area. The wider site of approx. 14ha, is occupied by a large retail warehouse development, and associated surface car parking. The retail park has frontage to both the Cork Road/R680 to the south and the Outer Ring Road/R710 to the west.
- 1.2. The principal access to the retail park is provided from the R710 on the western site boundary via a left in/left out junction. There is also a second entrance to the site from the Cork Road at the southeastern corner of the site, which is the subject of a separate appeal. The R710/Ring Road comprises a dual carriageway with a central median, while the Cork Road comprises a wide two-lane road.
- 1.3. Land uses in the vicinity of the site generally comprise commercial uses / motor sales to the east and southeast of the site, flanking the Cork Road, and agriculture to the north and west.

2.0 Proposed Development

- 2.1. The proposed development consists of the development of a single storey drive thru McDonald's Restaurant (474.8sqm, max height 5.8m) with ancillary sale of hot food for consumption off the premises. Also included is associated signage (totem, free-standing, banner frames and digital menu boards), PV Panels, reconfiguration of existing car park and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 24th February 2025, Waterford City and County Council granted permission for the proposed development, subject to 12no. conditions. Relevant conditions include the following:

Condition 1(b) – Totem sign adjacent to Outer Ring Road to be 6m in height.

Condition 2 – Trading hours shall be limited to 6:30-00:30 hours Sunday to Wednesday and 06:30-03:00 hours Thursday to Saturday.

Condition 4(b) – No additional signage to be erected without a further grant of permission.

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:

- In terms of the single submission on the application, the Council planner does not consider the drive thru restaurant to be appropriate for a city centre and will not impact negatively on same. Also, the Council planner does not consider there to be a significant impact on restaurants/takeaways and cafes in the surrounding area.
- Proposal would conform with the zoning for the site.
- Given the absence of residential uses in the area and the established precedent for a similar drive thru facility at the adjoining costa, no objections in terms of design and layout.
- Proposed building signage is acceptable. Totem sign should be reduced from 12m to 6m in height.
- No opening hours proposed by the applicant so trading hours shall be limited to 6:30-00:30 hours Sunday to Wednesday and 06:30-03:00 hours Thursday to Saturday, similar to a nearby similar type of development.
- No objection to proposed corral area for bins. Environment section have also raised no objections.
- No objections in terms of water services to the site. Confirmation of feasibility/connection agreement from Uisce Eireann required by way of condition.

- The District Roads Engineer raised no objection to the subject proposal in terms of access.
- Currently 830 car parking spaces in the retail park, which is far in excess of current car parking standards. 37no. spaces proposed for the development, which is considered acceptable.
- Landscaping plan is considered acceptable.
- Roads Section have not raised any concerns with regard to the lighting proposals.
- Environment section raised no objection to the proposal subject to conditions including waste management plan to be submitted, grease trap to be installed and litter management plan to be implemented.
- Recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

- Environment Section – No objection to the subject proposal subject to conditions requiring a Construction and Demolition Resource management plan, grease trap to be installed and a litter management plan.
- No other technical reports on file but the planners report notes they discussed the proposal with the District Engineer and water services section and no objection was raised.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

There was 1no. third party submission in relation to the subject proposal for retention and permission. The main points of the submission in relation to the proposed development may be summarised as follows:

- The proposed use will fundamentally alter the nature of the retail warehouse park. Proposals for non-bulky goods that were refused are provided as

examples of uses not suitable at this location. Medical uses also refused permission due to inappropriate location.

- Is a car based development that provides no synergy with other existing uses.
- Will detract from existing restaurants and takeaways in the area. Takeaway is only 'open for consideration' under the existing zoning.
- Proposed development will negatively impact on vitality and viability of the city centre.
- The proposal will act as a precedent for other non-conforming uses in the retail park. The use is a destination use that is not complementary to existing uses but is a destination use in itself.
- Is not required given the existing café and drive thru that is more suited to the retail park uses.

4.0 Planning History

The following applications are of note:

WCCC Ref. 06/522– Permission granted for development of a retail warehouse park (Waterford Retail Park). This is the parent permission for the retail park that permitted a service entrance to the N25 Cork Road. A number of amendment and extension applications have been made in the interim, with the following I consider to be most relevant to the current application.

WCCC Ref. 18/300– Permission granted for a standalone café/restaurant unit on a site to the south of the appeal site, also within the existing car park. This Costa Coffee café is now operational.

WCCC Ref. 23/282– Permission granted for a drive-thru lane in the Costa Coffee unit.

WCCC Ref. 22/936 – Split decision (ABP Ref. 315633-23). Permission granted by Waterford City and County Council for a 5no. retail warehouse extension to the existing retail park, including for a range of bulky and non-bulky sporting goods and a garden centre, to the north of the existing access to the Outer Ring Road.

Permission also refused in this decision for a standalone office and/or medical related building, 3 storeys in height.

WCCC Ref. 24/60789: Retention permission granted by Waterford City and County Council for the unrestricted use of the existing services access to Cork Road with associated permission for junction upgrade works including cycle lanes and pedestrian crossing. This would provide a secondary entrance to the Retail Park. This application is the subject of a separate appeal to An Bord Pleanála (ABP Ref. 322084-25).

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040

- 5.1.1. Key future growth enablers for Waterford include: Provision of Citywide public transport in accordance with the Waterford Metropolitan Area Transport Strategy (WMATS), including the implementation of BusConnects Waterford and strategic cycleway networks.
- 5.1.2. National Policy Objective 95: Metropolitan Area Strategic Plans for the Dublin, Cork, Limerick, Galway and Waterford Metropolitan areas and in the case of Dublin and Cork, to also address the wider city region, shall be reviewed by the Regional Assemblies in tandem with the appropriate authorities and as part of a review of the relevant Regional Spatial and Economic Strategy.

5.2. Regional Planning Policy

- 5.2.1. The Draft Waterford Metropolitan Area Strategic Plan was prepared under the Regional Spatial and Economic Strategy for the Southern Region. Waterford MASP Policy Objective 3 (c) is relevant: *“It is an objective to ensure quality infrastructure and quality of place is prioritised as an incentive to attract people to live and work in sustainable settlement patterns in the metropolitan area.”*
- 5.2.2. Policy Objective 9 states: *“It is an objective to support the Local Authorities and Public Bodies in seeking investment and implementation of actions to develop a vibrant urban centre focused on Waterford City Centre...”*

5.3. Waterford City & County Development Plan 2022-2028

Zoning

- 5.3.1. The subject site is zoned for 'General Business' use where restaurant is 'permitted in principle' and fast food takeaway is 'open for consideration'. The Zoning Objective is: *'To provide for and improve General Business uses; this includes suburban district retail and local neighbourhood centres'.*

Relevant Policies

5.3.2. *Vibrancy & Vitality: Land Use Mix Policy Objectives*

W City 09: In the interest of vitality and viability of the city centre and the delivery of a vibrant diverse community and mix of uses across the city centre we will:

- Manage the spread of uses that could lead to a reduction in the attractiveness of, and the retailing function of the principal shopping streets.*
- Promote and support the provision of retail, service and employment uses across the city centre in order to enhance its commercial resilience and vitality and the experience of visitors and residents alike while managing the extent of retail and commercial developments, of a type and scale which are more appropriate to the City Centre, outside the central area;*
- Promote and enhance the evening economy in the City Centre with a view to enhancing the function of the broader City Centre area in this regard.*
- To adhere to the principle of the primacy of the City Centre as set out in the Retail Planning: Guidelines for Planning Authorities 2012 (DOECLG) and the Waterford City and County Retail Strategy; and,*
- Facilitate where appropriate "meanwhile uses" and temporary uses of vacant or underutilised properties/opportunity sites where such uses are consistent with the proper planning and sustainable development of the area.*

5.3.3. Retail 01: Retail Guidelines

Ensure that all proposed retail development accords with the relevant policies of the Development Plan and the requirements and criteria as established within the Retail Planning Guidelines 2012, the accompanying Retail Design Manual and the Waterford City and County Retail Strategy 2020 (or any subsequent updates).

5.3.4. W City Retail 07: Retail Warehousing

The Council will strictly control additional new retail warehousing in Waterford City for the duration of the Plan. Any application for retail warehousing will be required to demonstrate that the proposal will not impact adversely on the vitality and viability of the City Centre in accordance with the criteria set down in the Retail Planning Guidelines for Planning Authorities (2012) or any update thereof and the Retail Strategy.

5.3.5. Appendix 4: Retail Strategy

The purpose of the retail strategy is to implement the objectives of the Retail Planning Guidelines. A key aim will be to ensure that Waterford City fulfils its role as the principal retail destination in the County and the South East region and performs as the major economic driver for the South East region, and that the towns of Dungarvan & Tramore continue to play important complimentary and supportive roles within their respective catchment areas, in addition to the provision of an appropriate range of retail facilities at a local level throughout the County.

5.3.6. Development Management DM 26 states the following in relation to take-aways, among other land uses such as night clubs and betting offices:

The provision of any of the above will be strictly controlled, having regard to the following, where appropriate:

- *The amenities of nearby residents, i.e. noise, general disturbance, hours of operation, and litter.*
- *Location of vents and other external services and their potential impact on adjoining amenities in terms of noise/odour/visual impact.*
- *The need to safeguard the vitality and viability of shopping areas in the city and county and to maintain a suitable mix of retail uses.*
- *Traffic considerations.*
- *The number/frequency of such facilities/events in the area.*
- *The scale of the development proposed in keeping with the scale of the building and the pattern of development in the area.*
- *The treatment of shopfront advertising and window display.*

- *The operators come to a satisfactory arrangement with the Council in relation to litter control.*
- *The larger leisure complexes which contain a mix of uses, e.g. cinema, bowling, and restaurant will be treated on their merits.*

5.3.7. Objective DM14 refers to assessment of development proposals in Waterford City, other towns and rural settlements. Proposals must be consistent with the role and function of the retail centre among other design considerations.

5.3.8. Section 5.3 of the Development Plan refers to Retail Parks and Retail Warehousing, confirming they are a collection of retail warehouses grouped around a common car park selling mainly bulky household goods.

5.4. Natural Heritage Designations

5.4.1. The Lower River Suir Special Area of Conservation (Site Code: 002137) is located approximately 2km north of the site.

5.5. EIA Screening

5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal has been submitted against Condition 2 of the Waterford City and County Council decision to grant permission. Condition 2 is in relation to opening hours.

1no. third party appeal against the decision to grant permission has also been submitted.

The grounds of the first-party appeal can be summarised as follows:

- Condition 2 provides opening hours of 06:30 to 00:30 Sunday to Wednesday and 06:30 to 03:00 Thursday to Friday. Applicant is requesting to operate 24 hours a day, 7 days a week.
- Precedent for 24 hours opening already established through snap fitness gym (WCCC Ref. 20930) within the retail park.
- Imposition of restricted opening hours is not supported by any reasoning or policy.
- As the site is removed from any residential area, a condition restricting trading hours would curtail the potential of the business and is not warranted in this case. The site is mainly surrounded by commercial uses.
- 24-hour opening would offer a synergistic use at this location and can offer food options for 24-hour shift workers in the vicinity.
- The comparison development at Kingsmeadow (WCC Ref. 18548) is much closer to the City Centre and is surrounded by residential. McDonalds have an operational restaurant facility 300 metres north of this site and the context of this setting is accepted in terms of opening hours conditioned. The subject site is not a like for like comparison as it is within proximity to the N25 National Road and the M9 Motorway with connections to other cities and a 24-hour opening is considered acceptable at this location.

6.1.1. The grounds of the third-party appeal are as set out in the observation on the application and as I have summarised in Section 3.4. Additional comments were made in relation to the refusal of permission for a standalone 3-storey medical building and an outline of concerns in relation to the assessment of the proposal by the Planning Authority. I do not propose to repeat the summary of the main points here but will reiterate the main argument in the appeal is that the proposal will change the nature of the retail warehouse park and the principle of this type of development at this location is queried.

6.2. Applicant Response

The applicant provided a response to the third-party appeal. The main points of the first-party response can be summarised as follows:

- Third party appeal is vexatious and should be dismissed by the Board.
- A full response to the concerns raised in the appellants submission on the application were provided by the Planning Authority, who did not consider there to be a negative impact on the vitality of the City Centre. No additional grounds were added in the appeal and can therefore be considered to have been addressed by the Planning Authority.
- Condition 2 of the parent permission (Ref. 06/522) is acknowledged by the applicant. However, this application does not seek to alter the existing retail warehouse units and instead is a standalone, complementary use. Other planning history referenced in relation to altering the use of retail warehouse units are not relevant to the subject proposal as it is not looking to amend the retail warehouse units uses.
- The Costa coffee, change to gym use and temporary farmers market permissions are all noted. The appellant did not lodge a submission on these applications further suggesting that the subject appeal is 'commercially led'.
- Refs. 18/300 and 23/282 set a clear precedent for a food and beverage offering within the retail warehouse car park.
- The Tralee example and reference to 'restaurant' as a destination use is in a different context to the subject proposal, will not lead to traffic and transport impacts as supported by the TTA submitted with the application and is in accordance with the zoning as confirmed by the Planning Authority in their assessment of the application.
- Although car parking spaces are removed as a result of the proposal, car parking supply is in excess of current standard requirements, which are much lower than when originally permitted.
- The First Party appeal against condition 2 is noted, to provide 24-hour opening that is in line with the permitted 24-hour gym. The proposal would

provide for a separate need to existing McDonald restaurants that are closer to the City Centre.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority considers that the substantive issues raised in the third party appeal were considered in their assessment of the application and urges An Bord Pleanála to uphold their decision and grant permission.
- 6.3.2. In relation to the first-party appeal, the Planning Authority notes the 24 hour a day trading proposed was not included in the development description or supporting documentation. Condition 2 restricting opening hours is an appropriate condition and urges the board to attach a similar condition to any grant of permission.

6.4. Observations

None.

7.0 Assessment

- 7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having visited the site, and having regard to relevant local and national policy and guidance, I consider the main issues to be the following:

- Procedural Issues
- Principle of Development
- Appeal against Condition No. 2 – Trading Hours

7.2. Procedural Issues

- 7.2.1. The first party response to the third party appeal contends that the subject appeal may be considered vexatious and should be dismissed under Section 138 of the Planning and Development Act. Having reviewed the contents of the appeal documentation, I am satisfied that there are sufficient grounds of appeal provided in the third-party appeal, which should be appropriately considered with respect to the proper planning and sustainable development of the area. I therefore do not support the dismissal of the appeal and provide an assessment of the proposal as follows.

7.3. Principle of Development

- 7.3.1. In considering the principle of the proposed restaurant use I would acknowledge that the Planning Authority were satisfied that the principle of a restaurant in an established retail warehousing park was acceptable, with due regard given to the existing café use (Costa Coffee) to the south of the subject site. I note the comments contained in the third-party appeal that the proposal will fundamentally alter the nature of the retail warehouse park and will negatively impact the vitality of the City Centre.
- 7.3.2. In relation to the zoning objective in the operative Waterford City and County Development Plan 2022-2028, the site is zoned for 'General Business' use where restaurant is 'permitted in principle' and fast-food takeaway is 'open for consideration'. I note that there would appear to be no restriction within the zoning matrix in relation to retail warehouse or bulky goods type retailing at this location.
- 7.3.3. I note as set out in the Retail Planning Guidelines, the purpose of retail warehouse parks is to provide for the sale of bulky goods generally sold from retail warehouses, where DIY goods or goods such as flatpack furniture are of such a size that they would normally be taken away by car and are not manageable by customers travelling by foot, cycle or bus. I have given due regard to this definition in my consideration of the subject proposal.
- 7.3.4. The proposed restaurant and drive thru, I consider, is a use which is primarily predicated on passing customers, i.e. existing visitors to the retail park. This would constitute a casual/ancillary use and would facilitate multi-trip shoppers to the retail park. This principle is established at the Waterford Retail Park via the existing Costa Coffee facility within the park (Reg. Ref. 18300). I would also accept as set out in the first party appeal response, that there is a precedent nationwide for these types of ancillary uses located within retail warehouse parks.

Traffic Impacts

- 7.3.5. I am satisfied from the submitted Traffic and Transport Assessment that the subject proposal would not lead to any significant road network impacts, and as I previously indicated, the majority of users of this proposal can be reasonably expected to be already travelling to this location for bulky goods retailing. Some additional trips will occur from pass-by traffic; however, I do not consider this will lead to constraints on

road and junction capacity in the area with a less than 5% growth in traffic forecast on the surrounding network.

- 7.3.6. I also note the subject proposal will result in a net loss of 100no. car parking spaces. (137 existing spaces to be replaced with 37no. proposed spaces). On my visit to the site on a weekday afternoon there was a significant number of vacant car parking spaces available within the overall retail park, which I note has a total of 830no. spaces. I therefore do not consider the loss of 100no. spaces to be a reason for refusal in this instance.

Town Centre Impacts

- 7.3.7. Town centre impacts were assessed by the Planning Authority who concluded the proposed development will not negatively impact on the City Centre or similar uses in the surrounding area. Given the complementary nature of the proposed restaurant and drive-thru, I am satisfied there will be sufficient synergy for an additional food offering at this location, given the existing and permitted retail warehouse extension and potential demand for such a facility. I consider the separation distance to the city centre and the specific trip purposes to this retail warehouse location, will not have a significant impact on similar uses in the City Centre or the surrounding area.

Precedent Examples

- 7.3.8. The third-party appeal submits a similar refusal of permission in Tralee (ABP case reference 248682). I do not consider the facts of that case to be sufficiently similar to the current appeal, as that site was under a retail warehouse zoning, which had separate land use types permissible. While that appeal noted that a restaurant may be considered a destination type use, the proposed restaurant and drive-thru use proposed at this location consists of different characteristics that would not result in long stays and would rather provide for a convenient food offering, in addition to the main retail warehouse uses adjoining. I therefore do not accept that the proposal should be refused permission based on the merits of ABP case Ref. 248682.

Principle of Development conclusion

- 7.3.9. I consider that the proposed restaurant/drive-thru represents a use which can be considered ancillary to the primary use of the retail warehousing park and that its use in this location would not be contrary to the zoning objective, nor the overall nature of

the retail warehouse park. The proposal also does not alter an existing retail warehouse unit and as it is a complementary use to the main retail warehousing function, I do not consider the proposal to have a negative impact on the vitality of the City Centre. Accordingly, I would consider that the principle of the proposed development is acceptable.

7.4. Appeal against Condition 2 – Trading Hours

- 7.4.1. The First Party submitted an appeal against Condition 2 of the Planning Authority Grant of Permission, which included opening hours of 06:30-00:30 Sunday to Wednesday and 06:30-03:00 Thursday to Saturday. I note Condition 2 includes a restriction on the use of kitchen ventilation systems outside of the stipulated opening hours for takeaway purposes also. The First Party Appeal submits that there is no statutory basis for these opening hours and requests a 24-hour opening by amending or removing Condition 2 from the grant of permission.
- 7.4.2. The applicant submits that the 24-hour opening has been shown to be successful in other locations and acknowledges that it is not suitable in all circumstances, giving the Cork Road McDonalds, which is closer to the City Centre of Waterford as an example. The appeal states that as the Cork Road establishment is more closely located to residential uses, a more restrictive opening time is appropriate and acceptable. The appeal further states that the 24-hour opening would add to the viability of the proposal and add a servicing element to night-time traffic on the national road network (M9 and N25 specifically referenced) and to 24-hour shift workers in the vicinity.
- 7.4.3. In the first instance I note motorway service areas, both online and offline, come under a separate set of guiding principles that are not directly applicable to this appeal. The subject proposal is for a restaurant/drive-thru and while it may provide some benefit to passing motorists, the main function of the use would be to provide an ancillary food option for visitors to the retail warehouse park.
- 7.4.4. While I accept the additional night-time benefit for a 24-hour food option for passing traffic, I consider the primary function of this proposed restaurant would be to attract dual use / cross trips whereby customers using the retail park would also use the proposed restaurant and as such the proposed restaurant trips would not generate any significant additional demand. I do not accept the proposal would satisfy the

definition of an off-line service area as set out in NRA policy documents, as the proposal is a standalone restaurant/takeaway and is not immediately adjacent to the national road network, as it is served by regional roads. I therefore do not consider this to be a relevant argument for 24-hour opening in this instance.

- 7.4.5. In terms of 24-hour operation in the context of the retail park and immediate surrounds, I accept that the permitted Snap Fitness at Unit 8 of the Retail Park (WCCC Ref. 20930), to the northeast of the proposed development, does establish a precedent for 24 hour uses within the park. As I determined the proposed development to be a complementary use to the existing uses in the retail park under section 7.4, it would be prejudicial to ignore a singular, existing 24-hour use within the park that may benefit from access to this complementary use at various times of the day. In addition, Whitfield hospital to the southwest operates 24 hours a day, and while the First Party appeal references other 24-hour uses in the area, none specifically are named. Standard opening hours of existing retail warehouse units within the park are up to 9pm in some instances (Home Store + More) so I cannot identify any discernible reason why a 24-hour opening may be less suitable than the opening hours stipulated in Condition 2 as proposed by the Planning Authority, which extend beyond the closing time of the majority of units in the retail park.
- 7.4.6. The subject site is in a General Business zoned precinct with primarily commercial land uses. The nearest dedicated residential units are approximately 800m to the southeast and separated by commercial premises and green fields. I consider this to be sufficient separation to remove any potential for adverse impacts on residential properties.
- 7.4.7. Based on the foregoing I therefore recommend that Condition 2 be amended to allow 24-hour opening as set out in the proposed conditions following.

8.0 AA Screening

- 8.1. Having regard to the nature, scale and location of the proposed development within an existing retail park, the nature of the receiving environment and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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. I have read the submissions on the file, visited the site, had due regard to the City and County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the location of the proposed restaurant use in a retail park area where there is extensive parking already available and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed single-storey building would not conflict with the existing pattern of development in the area, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1.	<p>(a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd December 2024, and the further details submitted to An Bord Pleanala on the 21st March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>(b) The totem sign located to the west of the site adjacent to the Outer Ring Road (R710) shall have a height of 6 metres. Prior to the commencement of development, the developer shall submit revised plans indicating the totem sign located to the west of the site adjacent to the Outer Ring Road (R710) having a height of 6 metres, for the written agreement of the Planning Authority.</p>
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	Reason: In the interests of clarity.
2.	Trading hours of the premises will be 24 hours a day or as otherwise agreed with the Planning Authority. Reason: In the interests of clarity.
3.	Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
4.	Lighting shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public safety and to ensure a proper standard of development.
5.	Prior to commencement of development, details of the materials, colours and textures of all external finishes inclusive of fascia treatment and signage shall be submitted to the planning authority for written agreement. Reason: In the interest of visual amenity.
6.	No additional signs, symbols, nameplates or advertisements shall be erected on the proposed site without a prior approval of the planning authority whether or not such development would otherwise constitute exempted development. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.
7.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific

	<p>proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
7.	<p>Prior to the commencement of any works on site, the applicants shall ascertain and comply with all requirements of the Environmental Health Officers Department.</p> <p>Reason: In the interest of public health.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
10.	<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 the commencement of development or in such phased payments</p>

	<p>as the ABP 303637-19 Inspector's Report Page 17 of 17 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>
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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

17th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322080-25
Proposed Development Summary	Proposed restaurant, drive thru and takeaway.
Development Address	Lands at Waterford Retail Park, Outer Ring Road, Cork Road, Butlerstown, Co. Waterford
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Part 10(b)(iv) – Urban Development which would involve an area greater than 2 hectares in the case of a business district. The site is 0.397ha so is below this threshold.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322080-25
Proposed Development Summary	Proposed restaurant, drive-thru and takeaway.
Development Address	Lands at Waterford Retail Park, Outer Ring Road, Cork Road, Butlerstown, Co. Waterford
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>This is an application for a restaurant, drive through and takeaway. The area of the site is given as 0.397ha and is located within a General Business zone with adjoining retail warehousing.</p> <p>The development also includes signage and amendments to the access and parking layout.</p> <p>By virtue of its type, size and location the proposed development does not pose a risk of major accident or disaster, alone or in cumulation with other projects and therefore does not pose a risk to human health.</p>
Location of development (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>The proposed development is located within an existing car park of a retail warehouse development. The prevailing context of the area is commercial uses.</p> <p>The proposal is removed from sensitive natural habitats, residential land uses and designated sites, as well as landscapes of identified significance in the County Development Plan.</p> <p>The proposal would therefore be unlikely to have an impact on areas of environmental sensitivity.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact,	<p>Having regard to the location of the subject site within Waterford City and an established commercial area, which is removed from sensitive habitats/features, the likely limited magnitude and spatial extent of significant effects, and absence of in combination effects, there is no potential for significant effects on</p>

transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed restaurant, takeaway and drive thru in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 2km north of the Lower River Suir Special Area of Conservation (Site Code: 002137)

The proposed development comprises a single storey drive thru McDonald's Restaurant with ancillary sale of hot food for consumption off the premises as referred to in Section 2.1 of my Inspector's Report.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works including the limited scale and nature of the proposed development
- The Location/distance from nearest European site and lack of connections
- Taking into account the screening report/determination of the LPA

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

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