



An
Bord
Pleanála

Inspector's Report

ABP-322084-25

Development

Utilisation of the existing services access as a permanent secondary vehicular access/entrance to Waterford Retail Park and permission for junction upgrade works, new pedestrian crossing and all associated site works.

Location

Waterford Retail Park, Outer Ring Road, Cork Road, Butlerstown, Waterford

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

2460789

Applicant(s)

Targeted Investment Opportunities
ICAV

Type of Application

Retention and permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Michael Feehan

Observer(s)

None.

Date of Site Inspection

19th May 2025

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The appeal site is located at the south of the Waterford Retail Park site at the junction of the Cork Road (R680, formerly N25), on the southwestern side of Waterford City. The area of the junction for retention and proposed works is 0.178ha. The wider site of approx. 14ha, is occupied by a large retail warehouse development, and associated surface car parking. The site 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 this 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 N25, and agriculture to the north and west.

2.0 Proposed Development

- 2.1. The proposed development consists of the retention of the existing services entrance from the Cork Road to be used as a permanent secondary vehicular entrance to Waterford Retail Park. Permission is also sought for additional junction upgrade works including a pedestrian crossing and right turning lane.

3.0 Planning Authority Decision

3.1. Decision

On the 19th February 2025, Waterford City and County Council granted retention permission and permission for the proposed development, subject to 3no. standard conditions.

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:

- The existing entrance which is the subject of the current application was permitted as a service access under the parent permission Ref. 06/522.
- Condition 4(b) of the parent permission states the entrance on to the N25 (Cork Road, now R680), is to be for service/emergency vehicles only and shall not be used for customer purposes.
- A subsequent application (Ref. 07/1486) for unrestricted use of this access was refused by Waterford City and County Council and upheld by An Bord Pleanála.
- WCCC Roads section are satisfied with the subject proposal.
- Cork Road is a busy road but is now designated regional road status and is no longer a national route, which it was at the time Ref. 07/1486 was decided.
- Traffic safety concerns and 'rat running' concerns are noted, however the proposed works have been subject to a Road Safety Audit (RSA) and Council Roads section are satisfied that the proposal will not give rise to traffic hazard.
- Final details of footpaths, pedestrian crossing, cycle paths etc. to be agreed with Council Active Travel Department.

3.2.2. Other Technical Reports

- No technical reports on file but the planners report notes they discussed the proposal with the District Engineer and no objection was raised.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

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

- Planning history referenced including refusal by An Bord Pleanala
- Located on busy road, noted that no longer an identified national route
- The proposal will give rise to a traffic hazard
- Creation of a 'rat-run'
- Impact on existing cycle lanes

4.0 Planning History

The following applications are of relevance:

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, which is the subject site/entrance. 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. 07/1486 (ABP Ref. 227021) – Permission refused for change of use from a permitted service entrance onto the N25/Cork Road to an entrance with unrestricted access. The reason for refusal was traffic safety and free flow of traffic on the N25.

WCCC Ref. 2460803 – Permission granted by Waterford City and County Council for a single storey drive thru restaurant within the existing car park area of the Waterford Retail Park, to the north west of the subject site which is located within the existing car park area. This decision is also the subject of a separate third party appeal under ABP Ref. 322080-25.

WCCC Ref. 22936 – 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.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

The proposed junction for retention and associated roadway is not zoned. The lands to the north associated with Waterford Retail Park is zoned 'General Business GB'. The Zoning Objective is:

'To provide for and improve General Business uses; this includes suburban district retail and local neighbourhood centres'.

Development Management Objective DM 47 reads as follows:

"The design of urban streets in Ireland is governed by DMURS which is mandatory for all urban roads and streets within the 60 km/h urban speed limit zone except for:

- Motorways; and*
- In exceptional circumstances, certain urban roads and streets with the written consent of the relevant Sanctioning Authority.*

The Council will require that all new development or the intensification of existing entrances onto the public road network is provided for in a safe manner in accordance with the current Transport Infrastructure Ireland publications."

5.2. Natural Heritage Designations

The Lower River Suir Special Area of Conservation (002137) is located 2.2km northwest of the site.

5.3. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory

requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

1no. third party appeal was submitted. The grounds of appeal may be summarised as follows:

- Planning history for the site indicates the subject proposal is unacceptable.
- Increased use of this service access would increase traffic safety issues.
- No traffic and transport assessment has been submitted to quantify the impacts of the proposed design changes.
- Proposed increase in vehicular traffic would impact on use of cycle lanes along the Cork Road.
- While the DMURS design improvements are welcomed, the increase in turning movements is a concern.

6.2. Applicant Response

6.2.1. The applicant provided a response to the grounds of appeal that can be summarised as follows:

- The proposed design was deemed acceptable by an independent auditor and Waterford City and County Council and the applicant seeks the decision to grant to be upheld.
- The appeal is vexatious and should be dismissed by the Board.
- The previous reason for refusal under Ref. 071486/ABP Ref. PL24.227021 is not relevant as the Cork Road is no longer designated a National Road and Council have considered the design to be appropriate. A number of design standard updates have occurred since the previous refusal, which the subject proposals addresses, including DMURS requirements for 60km/h roads.

- The subject proposal will not introduce additional traffic movements in the area as it is for retention of an existing entrance. A full rebuttal of traffic and transport issues is submitted with the appeal response. A traffic survey was undertaken outlining all traffic movements at this location.
- The provision of a cycle lane is in line with active travel requirements and will be agreed with Council Active Travel Department as per Condition 2 of the Planning Authority decision.
- The third party appeal appears to recognise the design improvements but is also critical of the right turning lane, failing to understand new vehicle trips will not result from the subject proposal.
- The submitted traffic engineering response provides a response to each of the items in the appeal including the purpose of the junction upgrade to enhance safety, the volumes of traffic, the principle of rat running and management of same, the road safety audit (RSA) measures implemented, and provisions of permeability in accordance with DMURS.

6.3. **Planning Authority Response**

The Planning Authority have responded to the appeal by stating the submission/appeal does not include any grounds for altering the Council's decision to grant permission.

6.4. **Observations**

None.

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 issue as raised in the single third-party appeal is in relation to road safety.

7.2. **Road Safety**

Planning History

- 7.2.1. The appeal refers to the previous planning history for the site, specifically Ref. 071486 (ABP Ref. 227021) that refused permission due to reasons related to traffic safety on what was then the N25.
- 7.2.2. This road has been since downgraded to a regional road (R680), known as the Cork Road with a 60Km/h speed limit.
- 7.2.3. I consider the revised status of this road to be relevant to the subject appeal and that road design requirements have been updated since this refusal of permission in 207/2008. The applicant sets out a revised junction design in relation to Design Manual for Urban Roads and Streets (DMURS) requirements, through the provision of road markings including a right turning lane, reduction of turning radii that will reduce vehicle speeds and a pedestrian/Toucan crossing. Overall, I consider the proposed design intent to enhance traffic safety by reducing vehicle speeds to be acceptable and I do not consider the planning history for the use of this junction to be an adequate reason to refuse permission in this instance.

Existing Access Points and Increased Traffic

- 7.2.4. The appeal notes that an increase in the number of traffic and new entrances on the Cork Road will lead to traffic safety and vehicular conflict issues along this busy route.
- 7.2.5. I note the applicant states that the subject proposal is for the retention of the change of use of the existing access and will therefore not result in an increase in vehicle trips.
- 7.2.6. While I accept there will be no increase in trips at this junction in the current scenario, if permitted for unrestricted use, there is scope for an increase in vehicle trips at this junction in the future as the Retail Park expands. WCCC application ref. 22936 is an example of an approved extension of the park, that will generate additional vehicular trips. However, I am satisfied that the proposed upgrades to the junction will enhance road safety at this location and any increase in vehicular traffic numbers within the retail park, and that by association will use this junction, can be assessed as part of individual, separate planning applications.

- 7.2.7. I note Waterford City and County Council Roads Section were satisfied with the design and purpose of the junction upgrades and use. Furthermore, I note the traffic survey results as submitted by the applicant, and I am satisfied that the proposal will not result in road network constraints or traffic delays, with an appropriate length of right turning lane to cater for expected vehicle queues. The proposal will enhance permeability across the site, and I am satisfied there to be no increase in turning movements arising from this retention permission with proposed junction upgrades.
- 7.2.8. The appeal also references the potential for rat-running through the retail park as a result of two entrances being provided. Given the low-speed nature of the road network within the retail park and the comparatively circuitous route required between the two access junction, I do not consider this to be a substantial risk with the subject proposal.

Cycle Lanes

- 7.2.9. The appeal states that the proposed use of this junction would conflict with the cycle lanes along Cork Road.
- 7.2.10. The applicant submits that if all access points along cycle lanes were closed off, there would be no operable commercial or residential development located off public roads with these facilities.
- 7.2.11. I have reviewed the submitted documentation including drawings and I am satisfied the subject proposal will serve to reduce traffic speeds at this junction and be in compliance with DMURS design standards. I also have regard to the submitted RSA with the application and I am satisfied that the proposed junction works including cycle lane, with shortened crossing distance of the access junction, and pedestrian crossing will enhance the safety of this junction for vulnerable road users and do not consider there to be an unacceptable conflict between vehicles and cyclists at this urban location that would merit refusal.

Conclusion

- 7.2.12. Having regard to the proposed geometrical upgrades to the junction, that will enhance vehicle, pedestrian and cyclist safety, noting there will be no increase in traffic as a result of the proposal in itself, and the Waterford City and County Council Roads Department approval of the proposal, I am satisfied that retention permission

for the unrestricted use of this junction with permission for associated road upgrades is acceptable.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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

I recommend that retention permission for the unrestricted use of this access junction and the proposed physical junction upgrades are granted permission for the reasons outlined below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the form and layout of the proposed development for retention and permission, the roads layout in the area and surrounding land uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impede the flow of traffic in the area, would enhance the safety of vulnerable road users including pedestrian and cyclists and would overall improve traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars submitted to the planning authority on the 19 th day of December 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
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	<p>and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the final layout and design details/specifications for footpaths, cycle way, zebra crossing, road layout, road markings, belisha beacons etc. shall be agreed in writing with Roads Section, Waterford City & County Council. A copy of the written agreement and of any revised agreed layout shall be submitted to the Planning Authority. The agreed works shall be undertaken by the developer to the satisfaction of Roads Section, Waterford City & County Council.</p> <p>Reason: In the interests of public safety and the proper planning and sustainable development of the area</p>
3.	<p>(a) Prior to the commencement of development a Construction Traffic Management Plan shall be agreed with the Roads Section, Waterford City & County Council and a letter of agreement from the District Engineer (Metro Area), Waterford City & County Council shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p>(b) All works carried out on the public footpath, or the public road shall require a Road Opening Licence & Hoarding Licence. These licences are available from the District Engineer (Metro Area), Waterford City & County Council.</p> <p>(c) Any interference with or damage to the road or footpath in the area caused during the construction of the development shall be made good at the expense of the developer to the confirmed written satisfaction of the District Engineer (Metro Area), Waterford City & County Council. Evidence of all agreements shall be submitted to the Planning Authority within 1 month of said agreement(s).</p> <p>(d) Adequate drainage shall be provided to ensure that freestanding water is not formed on the roadway or footpaths.</p> <p>Reason: In the interests of public safety and the proper planning and sustainable development of the area.</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

27th May 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322084-25
Proposed Development Summary	Retention for change of use from existing service access to permanent secondary vehicle access to Waterford Retail Park and permission for junction upgrade works.
Development Address	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.	State the Class here
<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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>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 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>State the Class and state the relevant 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>Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i></p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i></p>

Inspector: _____ Date: _____