



An
Coimisiún
Pleanála

Inspector's Report ABP-322509-25

Development	Large Scale Development (LRD). Construction of 155 dwellings and creche with all associated site works. NIS submitted with application
Location	Duckspool, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560097
Applicant(s)	S&K Carey Ltd
Type of Application	Permission (LRD)
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	John McGrath
Observer(s)	None
Date of Site Inspection	30 th June 2025
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The LRD site, which extends to a c5.065ha (gross), c4.366ha (net), is located at Duckspool, Dungarvan to the north-east of Dungarvan Town Centre. The site is accessed via a link road between the N25 Waterford – Cork Road and the R675 Clonea Road between Abbeyside & Clonea. The speed limit at the site location is 50KPH. A section of public road to the east is included in the site for a storm water connection. The majority of the site is zoned for residential use with remainder zoned for community infrastructure.
- 1.2. The site slopes from north-east to south-west with gradients typically 1 in 20 to 1 in 30. The proposed development is on a greenfield site which is bounded Abbeyside Road to the south. There is a primary school, Scoil Gharbhain, and post primary school, St Augustine's College, to the east of the site. The western boundary of the site has existing residential units to the southwest and GAA lands to the northwest. Bicycle lanes and pedestrian paths connect the site to the town of Dungarvan. The sea is located some 500M from the site and is a tidal area of Dungarvan Bay.
- 1.3. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for a Large-Scale Residential Development (LRD) consisting of the construction of 155 no. dwelling comprising
 - a) 5 no. two-storey 4-bed detached houses all with optional attic conversion,
 - b) 48 no. two-storey 3-bed semi-detached houses 30 no. with optional attic conversion,
 - c) 10 no. two-storey 4-bed semi-detached houses 7 no. with optional attic conversion,
 - d) 6 no. two-storey 4-bed terraced houses all with optional attic conversion,
 - e) 35 no. 3-bed two-storey terraced houses 23 no. with optional attic conversion,
 - f) 8 no. three-storey 4-bed semi-detached houses,

- g) 1 no. three-storey 4-bed terraced house,
- h) 42 no. apartments in 4 no. three storey duplex apartment blocks with 24 no. 1 bed and 18 no. 2 bed units and

a 3-classroom single-storey creche, on an application site of 5.065ha (4.366ha net).

2.2. The proposed development will include

- alterations along the existing public road frontage and a
- spine road with footpaths and cycle access from the public road (LR3168) to serve the proposed development, adjacent lands including existing GAA grounds, lands zoned for new residential, residential strategic reserve and community infrastructure.

2.3. The proposed development also includes all internal roads and footpaths, bicycle and car parking, public open spaces, foul and surface drainage services and connections, water services and connections; street lighting; landscaping, boundary treatments, alterations of site levels and all ancillary site development works.

2.4. A Natura Impact Assessment (NIS) has been prepared and was submitted with the application.

2.5. The application was accompanied by the following:

- Schedule of Accommodation
- EIA Screening Statement & Appendix A
- Lighting Impact Assessment Report
- Planning Report and Statement of Consistency
- Assessment Report on Design of Apartments
- Assessment Report on Design of Creche
- Uisce Eireann Confirmation of Feasibility (review of the Pre-Connection Enquiry)
- Traffic Impact Assessment Including DMURS Compliance Statement Stage 1/2 Road Safety Audit Quality Audit
- Housing Need and Demand Assessment
- Flood Risk Assessment
- Design Statement

- Outdoor Lighting Report
- Verified View Photomontages and Computer -Generated Images
- Social Infrastructure Audit
- Waterford City & County Council Notice of LRD Opinion
- Planning and Development Act 2000 (as amended)
- Response to Notice of LRD Opinion
- Spine Road Assessment Report
- Waterford City & County Council Part V Agreement
- Stage 1 Screening for Appropriate Assessment
- Natura Impact Statement
- Ecological Impact Assessment
- Landscape Design Rationale
- Fire & Safety Assessment Letter
- Arboricultural Report
- Climate Resilience Report
- Engineering Services Report
- Housing Quality Assessment
- Construction Environmental Management Plan
- Letter of Support - Scoil Gharbhain
- Letter of Support - Thomas Moloney Neighbouring Landowner
- Letter of Support – Abbeyside / Ballinacourty GAA Club

2.6. The principal development statistics are as shown below:

Site Area	c5.065ha (gross)
Net Development Area	c4.366ha (net))
Total GFA	17,272.00 sq.m
No of Units	155
Plot Ratio	0.4
Site coverage	22.5%

Density	35.5 units per hectare (uph)	
Building Height	2 - 3 storeys	
Car Parking	279 no. cars, including 7 visitor spaces	
Bicycle Parking	170 spaces	
Dual Aspect Units	All apartments are dual aspect	
Public Open Space	4693 sqm (10.3% of the site)	
Houses		
Unit Type	No of Units	Gross Floor Space sqm
3 Bed	83	8261 sqm
4 Bed	30	5214 sqm
Total	113	
Apartments		
Unit Type	No of Units	Gross Floor Space sqm
1 Bed	24	1348 sqm
2 Bed	18	2178 sqm
Total	42	
Other Uses		
Unit Type	No of Units	Gross Floor Space sqm
Childcare	1	271 sqm

3.0 LRD Opinion

- 3.1. The applicant has engaged with the Planning Authority in accordance with the provisions of Section 247(7) (a) and (b) of the Planning and Development Act 2000, as amended, and obtained a determination that no further consultation is required in relation to the proposed development.
- 3.2. Following the pre-planning meetings, the Council issued an Opinion on 9th December 2024, in accordance with Section 32D of the Planning and Development (Large Scale

Residential Developments) Act 2021 and advised that the documentation submitted for the purposes of the S32C meeting of 18th November 2024, that the documentation submitted requires further consideration and/or amendment to constitute a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

3.3. The Opinion identified several areas that required clarification. These include:

- Previous refusal and traffic concerns
- Potential access points to and future proofing of adjoining land uses, pedestrian links, traffic impacts, and clarification of bus stop/ shelter
- Development Plan and Ministerial Guidelines compliance, zoning, justification for development, residential unit numbers, density calculation and justification, mix of housing and tenure and clear phasing plan required
- Additional view image & visual impact illustrations, quality audit, planting location, brick detailing
- Statement of Consistency updates (utilities, school extension etc) and Social Infrastructure Details
- Flooding data
- Modelling required by UE to establish potential upgrades required downstream to be submitted at application stage

3.4. The applicant submitted a Statement of Response with the planning application which addresses the matters cited by the Planning Authority in the LRD Opinion. The proposed development as now submitted has taken account of all issues identified and provides a comprehensive response detailing adjustments that have been implemented to resolve the planning authority's concerns.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Waterford City & County Local Authority issued notification of decision to grant permission subject to 27 no conditions summarised as follows:

1.	Development permitted in accordance with plans and particulars submitted to the Planning Authority on 20 th February 2025 and shall proceed in accordance with the submitted phasing plan. The Spine Road and associated services permitted herein shall be constructed in Phase 1. The creche permitted herein shall be constructed in Phase 3.
2.	Section 48 Development Contribution
3.	Section 48(2)(c) Special Financial Contribution in respect of improvements to road infrastructure (a new roundabout at the Burgery /N25 required to service the development).
4.	Bond
5.	Part V
6.	Section 47 Agreement restricts all residential units permitted to first occupation by individual purchasers
7.	Sightlines, compliance with DMURS, implementation of submitted Stage 1 & 2 Road Safety Audit and Road Opening Licence & Hoarding Licence
8.	Connection Agreement(s) with Uisce Éireann
9.	Surface water drainage
10.	Car parking spaces shall consist of permeable paving
11.	Finished floor levels shall accord with site layout Drawing No. 113
12.	Mitigation measures in the Site-Specific Flood Risk Assessment shall be implemented in full.
13.	Development shall be adequately supervised by a Consulting Engineer with digital layout drawings (AutoCAD or similar) of the exact location of all associated services to be submitted when completed.
14.	On completion of each phase the developer shall provide digital layout drawings (AutoCAD or similar) of the development. Maintenance and upkeep of the estate (including public areas and spine road) shall be the responsibility the developer until taken in charge.

15.	All electricity, telephone, television, public lighting and other cables shall be laid underground
16.	10% electric vehicle charging points
17.	Roadside boundary wall (Boundary C) shall be constructed of brick
18.	Public Open Space
19.	Mitigation measures detailed in the Natura Impact Assessment and EcIA Report shall be adhered to in full.
20.	Public lighting
21.	Construction and Demolition Resource Waste Management Plan
22.	Construction Environmental Management Plan
23.	Construction hours
24.	Surplus excavated material to be removed from the site shall be brought to an authorised facility.
25.	Construction works (noise and dust nuisance)
26.	Naming of the overall development to be agreed
27.	Archaeological impact assessment

4.2. Planning Authority Reports

4.2.1. Planning Reports

4.2.2. The Case Planner recommended that permission be granted subject to 25 no conditions. The notification of decision to grant permission issued by Waterford City and County Council reflects this recommendation.

4.2.3. Other Technical Reports

4.2.4. **Senior Executive Engineer Environment** - No objection subject to following conditions:

- Construction and Demolition Resource Waste Management Plan required;
- Appropriate conditions to be attached regarding dust minimization, construction activity, installation of silt fences/silt dams.

- Details required regarding appropriate bin storage areas for apartments and mid-terraced units.

4.2.5. **Place Names Committee** - Standard naming condition to be attached to any grant of permission

4.2.6. **Heritage Officer** - Following analysis, examination and evaluation of NIS, satisfied that the proposal individually or in combination with other plans or projects, will not adversely affect the integrity of the Dungarvan Harbour SPA. Noted that the site is of low ecological value, proposed landscape plan will enhance the general amenity of the site. Any grant of permission shall condition implementation of mitigation measures contained in NIS and Section 6 of EcIA report.

4.2.7. **NOTE:** Two further reports are recorded in the Case Planners report that are not available with the Digital file. Waterford City and County Council Planning Department state that these were verbal referrals and therefore, no written reports are on file. Copy of email confirming same attached to the appeal file. These verbal reports, as set out in Case Planner report may be summarised as follows:

4.2.8. **District Engineer Dungarvan/Lismore**

- **Stormwater Infrastructure** – To be designed in accordance with SUDS measures. Connections to existing stormwater to be agreed with roads
- **Internal Road Layout/Connectivity** - Entrance sightlines to fully comply with CPD requirements, raised pedestrian crossing to be incorporated at Site entrance, all internal junctions to include stop signage & markings, speed limit signs at development entrance, cul de sac ends to incorporate adequate turning areas, internal footpaths to be 2.0m wide and location controlled pedestrian crossing to be agreed

4.2.9. **Water Services Section** - Surface water drainage system shall be constructed in accordance with submitted drawings and engineering report and shall also be subject to final written agreement with Roads Section prior to commencement of development.

4.3. **Prescribed Bodies**

4.3.1. **Department of Housing, Local Government and Heritage**

- **Archaeology** - Recommended Archaeological Impact Assessment as Condition:

- **Nature Conservation** - insufficient evidence on the nature of the in-combination effects to support the applicant's conclusion of the NIS that the proposed development, in combination with other plans or projects (specifically, in combination with the Strategic Plan for the area) will not have an adverse effect on the integrity of Dungarvan Harbour SPA.

4.3.2. **Uisce Éireann**

- No Objection in Principle
- Confirmation of Feasibility has been issued to the applicant advising that water and wastewater connections are feasible.
- Required upgrades will be required and funded by the developer, in order to facilitate the proposed development.

4.4. **Third Party Observations**

- 4.4.1. There are 4 no observations recorded on the planning file from (1) John McGrath, (2) Lenore Byrne, (3) Tanya Connery and (4) Catherine McIntyre.

The issues raised may be summarised as follows; master plan required, traffic congestion, environmental concerns, adequate ducting for foul Sewer and water connection be provided to the spine road for future development, spine road to be of adequate size, and width to service future largescale developments for the area, completion of spine road to be completed in Phase 1 of the LRD by way of condition, essential that the services are sized appropriately to cater for the development of adjoining lands for future residential development, retention of the hedgerow along side houses No 39 and 65-69 to ensure no loss of privacy and the tree and hedge survey excluded a large hawthorn and elder tree in the same area of boundary.

5.0 **Planning History**

- 5.1. There was a previous appeal on this site that may be summarised as follows:

ABP-312657-22 (Reg Ref 21/346) - Waterford City and County Council granted permission for the construction of 77 no. dwellings, access road, footpath and entrance to adjacent GAA grounds and all associated site works subject to 25 no conditions.

Following a third party appeal this decision was overturned by the Board for a single reason. The grounds for refusal were as follows:

- Design of access road considered to be over-engineered, overall function and tie-in with adjacent landholdings is undefined;
- Future development proposals to be served by access road has not been subject to a Traffic and Transport Impact Assessment;
- Piecemeal and haphazard development contrary to proper planning and sustainable development.

5.1.1. On lands to the south, on the opposite side of the public road there is an SHD has been remitted to the Commission for a new assessment and that may be summarised as follows:

Strategic Housing Development TC93.308915 - Proposal for 218 no. residential units (176 no. houses, 42 no. apartments), creche and associated site works at Duckspool, Dungarvan, Co. Waterford is with An Coimisiun Pleanála for further consideration / amendment.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

6.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage

- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

6.1.3. **Climate Action Plan 2024**

6.1.4. The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland's climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

6.1.5. **Climate Action Plan 2025** builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

6.1.6. **National Biodiversity Action Plan (NBPA) 2023-2030**

6.1.7. The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a

renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

6.2. National Guidance

- Design Manual for Urban Roads and Streets (2013)

6.3. Section 28 Ministerial Guidelines

6.3.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)

- Quality Housing for Sustainable Communities (2007)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- Design Standards for Apartments, Guidelines for Planning Authorities (2025)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

6.4. Regional Guidelines

6.4.1. Southern Regional Assembly - Regional Spatial and Economic Strategy (SRA-RSES)

6.4.2. The Southern Regional Assembly Regional Spatial Economic Strategy 2019 published its Regional Spatial Economic Strategy (RSES) in 2019. The purpose of the Strategy is to support the implementation of Project Ireland 2040 through providing a long-term strategic planning and economic framework for the development of the Regions.

6.4.3. Dungarvan is identified as a Key Town within the RSES for the Southern Region. Key towns have a large population with an urban centre which functions as a self-sustaining regional driver. Key towns are also strategically located urban centres that play a significant role in strengthening the urban structure of the region. It is envisaged that local authorities will also plan for significant growth in designated Key Towns.

6.4.4. Regional Policy Objective 24 sets out 8 no. objectives for the development of Dungarvan. The following objective is of relevance:

To strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and in its sub-regional role as a Gaeltacht Service Town, leveraging its strategic location along the Waterford Cork N25 route and to build upon its inherent strengths including historical,

cultural and architectural heritage, digital connectivity, skills, innovation and enterprise, tourism (in particular the Waterford Greenway and its potential sustainable expansion), culture and retail services. In respect of its importance to the environment, to tourism, to fishing, and to aquaculture (niche industries supporting rural employment), this RSES supports the environmentally sustainable development and treatment of Dungarvan Harbour and coastline;

6.5. Development Plan

6.5.1. The **Waterford City and County Development 2022 - 2028** came into effect on 19th July 2022. The Plan also contains development management standards, policies and objectives and references statutory guidelines which will inform decision making over the period of the Plan. The complete suite of Development Plan documents includes

- 1) Volume 1: Written Statement,
- 2) Volume 2: Development Management Standards,
- 3) Environmental Reports
- 4) 22 Appendices
- 5) Development Plan maps

6.5.2. **Core Strategy** - Dungarvan (including Ballinroad) is designated as a Key Town within the City and County Settlement Hierarchy (Table 2.2).

6.5.3. **Land Use Zoning** – There are two zonings assigned to the site as follows:

- The western portion is zoned **New Residential** (R1 Phase 2) where the objective is to *provide for new residential development in tandem with the provision of the necessary social and physical infrastructure*. Residential Scheme is listed as a use that is “permitted in principle” on lands zoned for residential purposes.
- The eastern portion is zoned **Community Infrastructure** (CI) where the objective is to *provide for and protect civic, educational, religious, community, health care and social infrastructure*. Residential Scheme is listed as a use that is “open to consideration” on lands zoned for community infrastructure.

- To the north and northeast is zoned Strategic Reserve and to the north and northwest, Open Space and Recreation. To the west is further New Residential zoned land.

6.5.4. **Specific Development Objectives** - The following mapped specific development objective is identified along the L3168 to the east of the site:

Specific Development Objective DGD018 - DO18: “Promote and facilitate enhanced active travel infrastructure across and within the Duckspool area from the Clonea Road to Scoil Garabhain, St. Augustine’s College and the GAA grounds in addition to new vehicular access from Friary College Road to the GAA grounds”

6.5.5. **Phasing** - Section 2.11.2 of the Development Plan relates to the tiered approach to zoning identified within the plan. Lands zoned for new residential development within the plan are identified as either Phase 1 or Phase 2 lands. The Plan outlines that the phasing approach seeks to ensure that development on larger land holdings follows a sequential pattern and in this regard the following should be noted:

- All lands zoned for new residential development (R1) are considered to be developable during the lifetime of the Development Plan.
- R1 zoned lands not specifically identified as phase 2 shall be considered phase 1.
- Within any landholding all phase 1 lands shall be developed or committed to development prior to any development being proposed/permitted on phase 2 lands within that landholding.
- All planning applications for development on phase 2 lands shall be supported by documentation to clearly identify that phase 1 lands within the landholding have been developed out, are committed to development and that the implementation of any such permitted development is imminent, or that phase 1 lands are not available within the landholding.

6.5.6. Table 2.3 relates to Residential Phasing and outlines that 21.39 ha within the Dungarvan and Ballinroad area are designated as Phase 1 lands and 16.09 ha are designated as Phase 2 lands. The appeal site is designated as Phase 2 lands within Figure 2.7 of the Development Plan.

6.5.7. Table 2.4 sets out the Core Strategy Table. This identifies a land use requirement of 11 ha to deliver the minimum housing target. A target residential density of 30 units per hectare is assumed for Key Towns. The core strategy identifies that the provision of lands for new residential development seeks to consolidate existing residential areas close to the historic core of Dungarvan. The Plan includes the following specific reference to the recent SHD decision at Duckspool in the vicinity of the appeal site:

“The recent decision by An Bord Pleanála to permit a Strategic Housing Development in Duckspool based on the land use zoning objectives of the Dungarvan Town Development Plan 2012-2018 is noted however it is considered that any change to the land use zoning objectives of the Plan to support this decision would be contrary to the stated vision, strategic goals and outcomes of the Plan which seek to sustainably develop Dungarvan by way of compact, sequential and town centre first development”.

6.5.8. **Flood Risk** - The southern portion of the site is located within Flood Zones A and B.

6.5.9. **Policy Objective UTL 10** seeks to ensure that: “all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management –Guidelines for Planning Authorities 2009”, “Climate Action and Low Carbon Development Act” (2021), and any amendment thereof, and the “Waterford Strategic Flood Risk Assessment” (2021) as included in Appendix 13”.

6.5.10. The Strategic Flood Risk Assessment is attached as Appendix 13 of the Waterford City and County Development Plan 2022-2028.

6.5.11. **Core Strategy Policy Objectives** - The following policies and objectives of the Plan are of relevance:

6.5.12. **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.

6.5.13. **CS 13 Settlement Strategy** - In a manner consistent with the settlement typologies and respective policy objectives of the SRSES, we will: *“Support the development of Dungarvan / Ballinroad as a Key Town of significant influence in a sub-regional context and a Gaeltacht Service Town”.*

6.5.14. General Housing Policy Objectives

H 02 In granting planning permission, we will ensure new residential development:

- Is appropriate in terms of type, character, scale, form and density to that location.
- Is serviceable by appropriate supporting social, economic and physical infrastructure.
- Is serviceable by public transport and sustainable modes such as walking and cycling.
- Is integrated and connected to the surrounding area in which it is located; and,
- Is designed in accordance with the applicable guidance and standards of the time:
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). Delivering Homes, Sustaining Communities (2007).
 - Urban Design Manual A Best Practice (2009). Permeability Best Practice NTA (2015); and,
 - Design Manual for Urban Roads (DMURS) (2020) or any update thereof. National Disability Inclusion Strategy (NDIS) 2017-2022.
 - United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

6.5.15. Policy Objective Place 01 General Placemaking

- Identify obsolete and potential opportunity sites within the City and County and encourage and facilitate the re-use and regeneration of derelict land and buildings in the urban centres.
- Work with landowners and development interests to pursue the potential of suitable, available and viable land and buildings for appropriate development/renewal.
- Support 'active land management' by making the regeneration and development of existing built up areas as attractive and as viable as Greenfield development through investment in infrastructure where appropriate.

- Use specific powers, such as the compulsory purchase orders (CPO's) and statutory powers under the Derelict Sites Act 1990 and the Urban Regeneration and Housing Act 2015, as amended, to address issues of dereliction, vacancy and underutilisation of lands in settlements across Waterford.
- Provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land whilst promoting sympathetic reuse of structures. In considering development applications within the designated town centres we will have particular regard to the impact the proposed development on the streetscape and urban layout in relation to compatibility of design, materials and use and the impact of the proposed development on existing amenities having regard to traffic and parking and the amenity and utility value of public and private spaces including open spaces
- Ensure all urban and rural settlements develop in such a way as to provide a sustainable mix of local services such as commercial, community and cultural activities including provision for enterprise, residential, retail, commercial, tourism, and leisure and community facilities.
- Protect the unique setting of rural towns and villages by providing for the maintenance of strong defined urban edges on approach roads.

6.5.16. **Policy Objective “Place 10”** relates to the provision of design statement for medium to large scale planning applications (15+ residential units or over 500 sq.m.).

6.5.17. **Policy Objective Place 05 Legislative Placemaking** ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, way finding and detailed design.

6.5.18. **Policy Objective Uni Des 03 Access for All/ Universal Design** ensure all developments are designed around a clear hierarchy of connected streets and buildings to promote legibility and permeability. Streets should be designed to include several access points, frequent crossings, a preference for priority junctions for sustainable modes of transport and means to encourage walking/cycling.

6.5.19. **Policy Objective HO17 – Housing Mix Policy** – will encourage the establishment of attractive, inclusive and sustainable residential communities in existing built-up areas

and new emerging areas by ensuring a suitable variety and mix of housing and apartment types, and sizes/tenures is provided in individual developments to meet the lifecycle adaptation of dwellings and the differing needs and requirements of people and families and the submission of a report which shall have regard to the HNDA and Housing Strategy with particular reference to how the proposed development contributes to meeting the future housing requirements as set out in Table 7.1.

- 6.5.20. **Policy Objective SC41 – Open Space** – Provide a hierarchy of attractive parks and public open spaces, which vary in size and nature, are all inclusive, by being readily accessible and at a convenient distance from people’s home and/ or places of work. We will also work with the Waterford Disability Network to provide where necessary inclusive communication boards in parks and other public spaces.
- 6.5.21. **Transportation** - Chapter 5 of the Development Plan relates to Transport and Mobility. The following Policy Objectives are of relevance:
- 6.5.22. **Trans 09 Connectivity and Permeability**: Ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future. Access should be also provided to adjoining amenities such as Greenways, Walkways and other recreational areas and have regard to ‘Ireland’s Government Road Safety Strategy 2021–2030.
- 6.5.23. **Trans 41 National Roads**: Avoid the creation of any additional access points from new development or the material increase in traffic using existing access points to National Roads, to which a speed limit of greater than 60 kph applies in accordance with the requirements set out in the Spatial Planning and National Road Guidelines, DECLG (2012)
- 6.5.24. **Trans 42** In order to protect the future safety and carrying capacity of the N25 approach road to Dungarvan from Waterford City, new access points for single dwellings will be prohibited within the speed limit zone up to Coolagh Road Roundabout. It is the intention of that strategic access points and road provision will be considered in the Dungarvan Local Area Plan. The Councils preference is that future access points within land banks east and west of the N25 within this area are provided by alternative road provision and not from the N25

- 6.5.25. **Development Management** - Development Management Standards for Residential Development are set out within Volume 2 of the Waterford City and County Development Plan 2022-2028. Section 3 relates to Development Management Standards for residential development. The following standards are of relevance:
- 6.5.26. **Development Management DM04** - Applications will be required to adhere to the guidance contained in the 'Urban Design Manual - A Best Practice Guide' (Department of the Environment, Community and Local Government, 2009). The design of schemes should promote best practice in architectural design, consistent with the aims of the 'Government Policy on Architecture 2009-2015' (Department of Environment, Community and Local Government, 2009) to support good architectural quality.
- 6.5.27. **Density** - Section 3.2 relates to residential density in the Waterford City and County Area. The Plan outlines 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"*.
- 6.5.28. The Plan furthermore outlines that in assessing applications for residential development, the Planning Authority will seek to implement the density standards set out in the ministerial guidelines 'Sustainable Residential Developments in Urban Areas' (DoEHLG 2009), the Specific Planning Policy Requirements (SPPR) of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and Circular Letter NRUP02/2021 along with those provided in the Core Strategy of this Development Plan.
- 6.5.29. **Development Management Objective DM05** states that in all instances the following will be taken into consideration:
- Proximity to public transport bus stops.
 - Proximity to neighbourhood and district centres.
 - The extent to which the design and layout follows a coherent design brief resulting in a high-quality residential environment.
 - Compliance with qualitative and quantitative criteria.

- The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas.
- Existing topographical, landscape or other features on the site.
- The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.
- Where the opportunity exists to increase density and building heights in pursuit of compact, regeneration, sequential and transit-oriented development, and where it can be demonstrated that the development management standards set out in the Development Plan may in certain circumstances be counter to achieving these principles of sustainable urban development, we will consider such proposals on their own merits having regard to the relevant S28 Guidelines in place at the time.

6.5.30. **Mix of Dwelling Types** - Planning applications for 15+ residential units will be required to incorporate a variety and choice of housing units by type and size to meet differing household needs and requirements, as informed by the HNDA.

6.5.31. **Development Management Objective DM06** outlines that the design statement shall address criteria including: details of existing and permitted unit types within a 10 ABP-312657-22 Inspector's Report Page 18 of 54 minute walk of the development, a breakdown of unit types in accordance with national policy guidance, 20% of all dwelling must be designed as lifetime homes.

6.5.32. **Standards** - Table 3.1 sets out General Standards for New Residential Development in Urban Areas. The following standards are of relevance:

- Public Open Space- 15% of total site area;
- Private Open Space – In accordance with the standards set out in Table 3.2. (1-2 bed 50 sq.m., 3 bed -60 sq.m. and 4 + bed – 75sq.m.). A reduced standard can be considered for smaller houses but the area must not be less than 50sq.m.
- Minimum Separation Distance – 22m between directly opposing windows. 2.2m between side walls of detached, semi-detached and end of terrace dwellings.
- Section 5.17 sets out a requirement for a minimum of 20 childcare spaces for every 75 dwellings.

- Table 7.1 Car Parking Standards – 3 bed + 2 spaces. Visitor parking at a rate of 1 space for every 4 units provided with only 1 space
- Table 8.1 sets out Minimum Sightline Requirements. Sightlines of 70m at 4.5m are required for entrances from the 50 km/ph speed limit area.
- Development Management DM47: 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.

6.5.33. **Appendix 17** of the WCCDP relates to the tiered approach to zoning within the County. This provides an assessment of lands which are zoned to accommodate residential development over the plan period. Section 5 relates to the Dungarvan / Ballinroad Site Identification and outlines that in relation to Dungarvan / Ballinroad the Dungarvan Town Development Plan 2012 – 2018 and the Waterford County Development Plan 2011 - 2017 included c.73 ha of zoned land for residential purposes. 6 ha have been developed over the lifetime of the Plan. The appeal site is specifically identified as a site to support the sustainable growth of the town. The Site-Specific Infrastructure Assessment set out in Table 5b outlines that the site is served by Roads, Footpaths, Water and Waste Water Supply. The assessment outlines that the site is not served by public transport, and its development is not considered to constitute compact growth or co-ordinated development.

6.6. Natural Heritage Designations

6.6.1. The appeal site is not located in or immediately adjacent to a European Site. Dungarvan Harbour SPA (Site Code: 004032) is c0.17km to the northwest of the site.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The third-party appeal was prepared and submitted by John McGrath, Clonea Road, Abbeyside, Dungarvan, Co Waterford and may be summarised as follows:
- 7.1.2. **Masterplan** – The LRD Scheme consisting of 155 homes and a crèche has been approved on the outskirts of Dungarvan, with little connection to the town centre. In the absence of a comprehensive master plan outlining the phased development on all residential lands locally, to safeguard their appropriate development in a holistic manner, the planning decision lacks clarity on how the services and facilities will be provided to adjoining lands.
- 7.1.3. **Community Infrastructure Zoning** - The proposed LRD scheme has compromised the community infrastructure zoning as per the Waterford City and County Development Plan 2022 – 2028, to allow excessive residential units with a creche to fulfil the requirements with no consideration to any Community Facility.
- 7.1.4. **SHD Lands** – Noted that the Council de-zoned these established residential zoned lands immediately south of the subject site. Lands have been zoned as HA – High Amenity. These SHD lands would have resulted in a significant public park corridor connecting and integrating with the existing neighbouring residential community. The LRD gives rise to little by way of community gain, despite a large portion of the site being zoned for same.
- 7.2. **Regional Context** – In the settlement hierarchy of the CDP (Table 2.2), Dungarvan is listed as a “Key Town” which is described as a “strategically located urban centre with accessibility and significant influence in a sub-regional context”. The outcome of this LRD planning process undermines the regional objective by utilising a significant portion of Community Infrastructure zoning for the purposes of increasing the residential density.
- 7.3. **Waterford City and County Development Plan 2022 – 2028** – The east portion of site is zoned as Objective C1 – “*Provide for and protect civic, educational, religious, community, health care and social infrastructure*”. Residential Scheme and Dwelling / Principal Private Residence uses on this zoning are NOT permitted in principle. It is

accepted that they are Open for Consideration if they are consistent with the proper planning and sustainable development of the area and would not have undesirable effects. The proposal does not meet this test and is a contravention of the zoning policy of Community Infrastructure and its main objectives. Further the LRD does not comply with the tiered approach to land use zoning which underpins the Development Plan as per Policy Objective UTL01 – New Development and Strategic Development Growth Areas.

7.3.1. **Placemaking** - The proposed development is also in contravention of Policy Objective Place 01 – General Placemaking as no specific Community Facility has been proposed on Community Infrastructure Zoning.

7.3.2. **Open Space** - The proposed development includes total public open space of 4,700 sqm or c10.7% of the net site area. The central open space extends to 4,963 sqm (10.3% of the site) which is the primary area of active open space. This falls short of the minimum DM standards which requires 15% open space provision. No quality open space has been proposed on the CI zoned lands falling within the LRD scheme for the benefit of the wider or new resident community arising from the scheme, and no public realm strategy has been defined to connect it with adjoining CI zoned land. The overall location of open space is in contravention of the Policy Objective SC41.

7.4. **Social Infrastructure Audit (SIA)** - Dungarvan Town Centre is located 1.5km from the site. Councils planning decision has only focused on the provision of a crèche for compliance with the Childcare Facilities Guidelines (2001) which requires one childcare facility per 75 dwellings in new housing areas. This is considered a weak outcome for the CI lands.

7.4.1. **Conclusion** - The LRD proposed is not appropriate considering the insufficient provision of community facilities and is in contravention of Community, Infrastructure Zoning objective of the Waterford City and County Development Plan 2022 – 2028.

7.5. **Applicant Response**

7.5.1. The first-party response to the appeal has been prepared and submitted by Peter Thompson Planning Solutions on behalf of the applicant S&K Carey Ltd and may be summarised as follows. Noted that the appeal has not raised issues in relation to the zoning of the site, traffic impacts or the proposed spine road.

- 7.5.2. **Masterplan** – The applicant does not own the adjoining land and has no responsibility how they will be laid out and designed. In submissions and through letters of support, the adjoining landowners with development land, have welcomed the potential of opening up of their lands for development from the proposed spine road. The application includes a Masterplan document which shows the adjoining lands, their zoning, potential means of access and where appropriate, indicative building footprint and development capacity. The Masterplan was developed in consultation with the Plannign Authority prior to finalising and lodging the LRD application.
- 7.5.3. **No consideration of any Community Facility Development** – This is incorrect. The developer sold to the Council a large portion of the Community Infrastructure zoned lands which, in turn was transferred to the Department of Education to meet the future needs of the adjoining Scoil Gharbhain. It is understood the Department currently has plans to expand this school. This is noted in the Council Planners planning report. The land disposed of by the applicant was the extent of land requested to be made available. In addition, the proposed development provides for the spine road and access and services which will serve the lands acquired by the Department. A creche to serve the development and other residences in the area is also proposed on the Community Infrastructure zoned lands.
- 7.5.4. **Regional Context** - It is respectfully submitted that the applicant's disposal of the land to the Council for the future needs of the community and the delivery of key road and services infrastructure, aligns with "f" and "g" of RSES (RPO24) and is not relevant as the site was never proposed to be developed with WIT (now SETU) facilities.
- 7.5.5. **Waterford City & County Development Plan 2022 – 2028**
- 7.5.6. **Spatial Vision & Core Strategy** - The land zoned for Phase 1 and Phase 2 Residential development in the Plan was never the extent of the lands to be made available for new housing, and the Planning Authority acknowledges this in its decision to grant planning permission. It accepted that some housing constructed on the Community Infrastructure zoned lands, having had regard to the extent of land made available by the developer for community facilities, the proposed creche and the infrastructure required for these community facilities, was in accordance with the zoning.

- 7.5.7. **Zoning Context** – The Community Infrastructure zoning has delivered its objective by making the required land available to the Council/ Department to provide for extended school facilities and proposing the means of access and services to serve the land. The inclusion of ‘residential scheme’ as a use open to consideration, clearly envisaged such a development once the primary objective of the zoning had been achieved. The Sustainable Community Policy Objectives and the Utilities Infrastructure, Energy and Communication Policy Objectives were addressed in the Statement of Consistency, which the Planning Authority considered acceptable in its assessment of the application. Also, the appellant has not explained in his grounds of appeal why he considers otherwise
- 7.5.8. **Placemaking** - In the Council planner’s report, it is stated there is a current application for a school extension on this land. The proposed development also includes a creche and infrastructure to support the existing school and any proposed school extension. The proposed spine road also opens up the development potential of other adjoining lands, including to zoned open space and provides an alternative access to the adjoining GAA grounds.
- 7.5.9. **Open Space** - The appellant notes that just over 10% open space is proposed, while the Plan seeks 15%. However, it is acknowledged that 10% meets the requirements of the more up-to-date Compact Settlement Guidelines 2024.
- 7.5.10. **Social Infrastructure Audit** - The Social Infrastructure Audit submitted with the application detailed the principal local community facilities, including pre-school and schools, retail, sports and recreational facilities, churches and community halls and public transport. The planner’s report acknowledged this document and advised that it was reviewed and considered acceptable.
- 7.5.11. **Conclusion** – It is submitted that the appeal appears to be a mechanism to hinder and frustrate the realisation of the Development Plan objective to provide for housing and community finalities on the appropriately zoned lands. The Board is requested to consider whether, under these circumstances, to dismiss the appeal under Section 138 of the Planning and Development Act 2000 having regard to the nature of the appeal.

7.6. Planning Authority Response

- 7.6.1. Waterford City & Council submitted the following responses, as summarised to the third-party appeal:
- 7.6.2. The Planning Authority is satisfied that the application was fully and properly assessed having regard to relevant national and regional policies, and local planning policies and objectives contained in the Waterford City & County Development Plan 2022 – 2028 particularly in relation to land use zoning, associated DM Standards, normal planning and technical consideration. The Planning Authority is also satisfied the proposal is compliant with Compact Settlement Guidelines and density requirements.
- 7.6.3. The Department of Education has purchased the adjacent Community zoned lands for which approval has been granted for a school extension thus sustaining the future needs of the Gaelscoil.
- 7.6.4. The proposed spine road has been the subject of a detailed Traffic & Transport Assessment, it will unlock further zoned lands to the north and as already outlined, will provide a safe and much improved access to the adjacent GAA grounds as well as facilitate expansion of the Gaelscoil. On balance, it is considered that the proposed development will result in a significant community gain overall.
- 7.6.5. The Planning Authority is wholly satisfied that subject to conditions attached in the notification to grant planning permission that the proposed development would not seriously injure the amenities of the area, would result in significant impacts on the visual or residential amenities of the area, would not negatively impact upon the ecology or cultural heritage of the area and would be acceptable in terms of traffic safety and community infrastructure.
- 7.6.6. The Planning Authority is strongly supportive of the subject development and would urge An Bord Pleánala to uphold its decision to grant planning permission.

7.7. Observations

- 7.7.1. None

7.8. Further Responses

- 7.8.1. None

8.0 Environmental Impact Assessment Screening

- 8.1. An EIA Screening Statement was submitted with the planning application.
- 8.2. The proposed development has been subject to preliminary examination and screening for environmental impact assessment (refer to Form 1 and Form 3 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.
- 8.3. It has also been concluded that there is potential for significant effects on a European site and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for environmental impact assessment (Appendix 2), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of protecting water quality. On this basis I am satisfied that there is no potential for significant effects on Dungarvan Harbour SPA Site Code – 004032 or any other environmental factor, or any requirement, therefore, for environmental impact assessment.
- 8.4. Impacts on European sites are addressed under Appropriate Assessment, which I have addressed in Section 9 and Appendix 3 and 4 of my report

9.0 Appropriate Assessment

- 9.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 9.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032) can be

excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032)

10.0 Water Framework Directive Screening

10.1. I have assessed the proposed LRD and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. Refer to Appendix 4: Water Status Impact Assessment – Screening Form of this report

10.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

10.3. This conclusion is based on:

- Nature of the project, site and receiving environment.
- Objective information presented in the appeal case documentation
- Hydrological and hydrogeological characteristics of proximate waterbodies.

- Absence of any meaningful pathways to any waterbody.
- Standard pollution controls and project design features.

11.0 **Assessment**

11.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle
- Master Plan
- Open Space
- Spine Road
- Conditions
- Other Issues

11.2. **Principle**

11.2.1. The third-party appeal centres, for the most part on the zoning of the site and associated proposed uses, that the scheme has compromised the Community Infrastructure zoning as per the Waterford City and County Development Plan 2022 – 2028, to allow excessive residential units with a creche to fulfil the requirements with no consideration to any Community Facility. Reference is made to Regional Context of Dungarvan as a Key town and the Waterford City and County Development Plan 2022 – 2028 and in particular Policy Objective Place 01 – General Placemaking as no specific Community Facility has been proposed on Community Infrastructure Zoning.

11.2.2. The site is located within the settlement boundary of Dungarvan, a designated Key town within the County Settlement hierarchy with strong educational, healthcare, retail and tourism infrastructure. Key Towns are identified as “strategically located urban centre with accessibility and significant influence in a sub-regional context”. The appeal site is within the settlement boundary and is readily serviced and is adjacent to existing residential, educational and sporting facilities. The Core Strategy in the City

and County Development Plan has a minimum target of 330 units for Dungarvan / Ballinroad up to 2028. I note from the Planning Authority response of the appeal that since the adoption of the plan in 2022 there has been only 3 permissions for residential developments of scale granted, yielding a total of 58 potential units. This is falling significantly behind the Core Strategy target for the delivery of 330 units by 2028. It is further noted that no large-scale developments are currently underway in Dungarvan / Ballinroad, and infrastructure deficits are limiting development on zoned lands to the west of the town.

11.2.3. There are two zonings assigned to the site as follows:

- The western portion is zoned *New Residential* where the objective is *to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure*. Residential Scheme is listed as a use that is “permitted in principle” on lands zoned for residential purposes.
- The eastern portion is zoned *Community Infrastructure* where the objective is *to provide for and protect civic, educational, religious, community, health care and social infrastructure*. Residential Scheme is listed as a use that is “open to consideration” on lands zoned for community infrastructure. A childcare facility / creche is an educational facility and is permitted in principle under the zoning

11.2.4. The development as proposed accords with the land use zoning matrix provided for in Table 11.2 Volume 2 of the current Development Plan.

11.2.5. A portion of the overall *Community Infrastructure* zoned lands (circa 3 acres) has been purchased by the Department of Education to facilitate the expansion of the adjoining Gael Scoil Garabhain. The Planning Authority state that this acquisition addresses the areas education needs. The remainder of the overall *Community Infrastructure* zoned lands form part of the appeal site.

11.2.6. The Waterford City and County Development Plan 2022-2028 sets out a tiered approach to new residential zonings within the Plan Area. The appeal site is identified as a Phase 2 Residential site. The Plan outlines that the phasing approach seeks to ensure that development on larger land holdings follows a sequential pattern. There are no Phase 1 lands zoned in the appeal site. The site is located adjacent to existing residential development and taken together with housing targets for Dungarvan in the Core Strategy and permission to date I am satisfied that the development of these

lands complies with the sequential development Dungarvan. I agree with the Planning Authority that the core strategy of the Development Plan is not undermined by the inclusion of the remainder of the Community Infrastructure lands for residential development given its limited scale and given that residential schemes are “open to consideration” on such lands.

11.2.7. Concern is also raised that the proposed development contravenes Policy Objective Place 01, as no community facilities are proposed. The full wording of this objective is set out in Section 6.5 above. This aligns with the concerns raised that there was no consideration of any Community Facility development on lands zoned Community Infrastructure. I note, as previously mentioned above, that the developer sold to the Council a large portion of the Community Infrastructure zoned lands which, in turn was transferred to the Department of Education to meet the future needs of the adjoining Scoil Gharbhain. The land disposed of by the applicant was the extent of land requested to be made available. In addition to disposing of this land, the proposed development provides for the spine road and access and services which will serve the lands acquired by the Department. A creche to serve the development and other residences in the area is also proposed on the Community Infrastructure zoned lands. Overall, I agree with the applicant that the Community Infrastructure zoning has delivered its objective by making the required land available to the Council/ Department to provide for extended school facilities and proposing the means of access and services to serve the land. The inclusion of ‘residential scheme’ as a use open to consideration, clearly envisaged the potential for such a development once the primary objective of the zoning had been achieved. Having regard to the foregoing I am satisfied that the proposed development aligns with Policy Objective Place 01 General Placemaking.

11.2.8. The subject site is zoned for residential uses within the Waterford City and County Development Plan 2022-2028, can be adequately serviced, is located immediately adjacent to 2 no. schools and commercial units and is in close proximity (1.5 km) to a variety of services and facilities in Dungarvan town centre. It is, therefore, my view that the subject scheme represents the sequential development of Dungarvan. The principle of residential development with associated road infrastructure and site development works is, therefore, considered acceptable.

11.2.9. Further requirements set out for the site in the current Development Plan, National Guidance and the relevant Section 28 Guidelines are addressed as follows.

- The proposed housing density is 35 dwellings per hectare (dph) net based on the proposed 155 no. housing units (i.e. 113 no. dwellings and 42 no. apartments). This aligns with the Sustainable Residential Development and Compact Settlements– Guidelines for Planning Authorities, 2024’ that state that that densities of 30 dph to 50 dph shall generally be applied at suburban and urban extensions of Key Towns such as Dungarvan
- The design of the scheme has been developed in accordance with national guidelines, in particular the Compact Settlement Guidelines 2024 and Design Standards for New Apartments. The scheme has been designed with regard to neighbouring developments and so as to ensure compatibility with the character of the area without negatively impacting on residential amenity.
- The proposal puts forward dwellings which will achieve a high building energy rating through passive solar gain and use of renewable energy sources.
- I am satisfied that all internal roads have been designed to have regard to DMURS and residential development Guidelines (Section 28 Ministerial Guidelines) and Development Plan standards.
- The proposed development provides separation distances that are in excess of the required 16m in all instances in line with SPPR1 Separation Distances of the Sustainable Residential Development and Compact Settlements –Guidelines for Planning Authorities 2024
- All of the proposed houses and apartments include private open space in accordance with the requirements of the Apartment Guidelines 2023 and Compact Settlement Guidelines 2024
- The proposed layout responds to the orientation and topography of the site and the open space has been centrally located to maximise passive surveillance from adjacent dwellings and encourage residents to move safely and freely
- Having regard to the unit mix, apartment floor area, dual aspect ratios, floor to ceiling heights and refuse storage I am satisfied that the scheme complies with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines.

11.2.10. Overall, I am satisfied that the proposal has been designed in accordance with the provisions of the Waterford city and County Development Plan, National Guidance and the relevant Section 28 Guidelines. It represents a positive and sustainable use of zoned, serviced and accessible lands and through the provision of the spine road will open up access to adjacent lands. Accordingly, the principle of the scheme is acceptable at this location.

11.3. Master Plan

- 11.3.1. The appellant raises concerns that in the absence of a comprehensive master plan outlining the phased development on all residential lands locally; to safeguard their appropriate development in a holistic manner, the planning decision lacks clarity on how the services and facilities will be provided to adjoining lands.
- 11.3.2. This application includes a zoning masterplan document which shows the adjoining lands, their zoning, potential means of access and where appropriate, indicative building footprint and development capacity. The masterplan demonstrates how the proposed spine road will permit access to the adjoining lands and an alternative access to the adjoining GAA grounds and the recreational facilities therein. It is stated that the zoning masterplan that was prepared by the applicant, was developed in consultation with the Planning Authority prior to finalising and lodging the LRD application.
- 11.3.3. There is no requirement in the Development Plan to prepare a masterplan for the wider area as part of an individual planning application. The applicant does not own the adjoining land, and I agree that they have no responsibility in how they will be laid out and designed. The preparation of a detailed masterplan for the area by an individual applicant on lands out with their control or ownership or in the absence of integration with the adjoining landowner, would be an ineffective exercise in this instance.
- 11.3.4. The detailed consideration and design of the proposed spine road and linkages to adjoining zoned lands is to be welcomed as it supports permeability. It is noted that through letters of support, the adjoining landowners with development land, have also welcomed the potential of opening up of their lands for development from the proposed spine road. It is for the Planning Authority to guide the development of the wider area in line with the policies and objectives of the Development Plan through the rigours of

the planning application process that includes the appeal process and where third parties have rights to make submissions and appeal decisions.

- 11.3.5. The requirement for a detailed masterplan for the wider area is not necessitated by any policies or objectives as set out in the current Development Plan. I am satisfied that the zoning masterplan submitted with the application, demonstrating how the proposed spine road will permit access to the adjoining lands is an informative tool that is commensurate with the scale and nature of the development proposed on this site. No further issues arise in this regard.

11.4. Open Space

- 11.4.1. Concern is raised in the appeal that the proposed open space falls short of the minimum DM standards which requires 15% open space provision. It is further stated that the overall location of open space is in contravention of the Policy Objective SC41.
- 11.4.2. The proposed development includes total public open space of 4,700 sqm or c10.7% of the net site area. The central open space extends to 4,963 sqm (10.3% of the site) which is the primary area of active open space.
- 11.4.3. Table 3.1 of the Development Plan sets out General Standards for New Residential Development in Urban Areas. The following standards are of relevance:
- Public Open Space- 15% of total site area;
- 11.4.4. Clearly the open space as proposed does not meet this 15% requirement. I would draw the Commissions attention to General Housing Policy Objectives H 02 that states that in granting planning permission the planning authority will ensure new residential development *is designed in accordance with the applicable guidance and standards of the time*. In this regard I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) where Policy and Objective 5.1 - Public Open Space where it states that a minimum of 10% of net site area shall be for public open space provision. Accordingly, I am satisfied that the proposed public open space in quantitative terms complies with the requirements of the current Development Plan and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

- 11.4.5. Policy Objective SC41 Open Space requires the provision of a hierarchy of attractive parks and public open spaces, which vary in size and nature, are all inclusive, by being readily accessible and at a convenient distance from people's home and/ or places of work.
- 11.4.6. The proposed development provides a centrally located public open space accessible to all houses. This open space is designed for natural play incorporating large open grass areas for kickabout and grassy mounds, boulders, and tree planting. It is stated that play equipment will be incorporated to provide play opportunities for all. Outdoor exercise equipment will also be provided along the lengthier pedestrian loops for wellbeing and general health. Seating and Meeting Points will provide rest stops, supervision of play areas and meeting spots for residents. Additionally, the area surrounding the proposed site has the benefit of an extensive array of amenities all within walking distance (Abbeyside GAA / Friary playing pitches / Dungarvan Golf Club / Dungarvan Rugby Club / Waterford Greenway and Abbeyside beach). Further the zoning Masterplan demonstrates how the proposed spine road will permit future access to the adjoining Open Space zoned lands and an alternative access to the adjoining GAA grounds and the recreational facilities therein. In terms of the main block of proposed open space being surrounded on all four sides by housing, I agree with the applicant that this is appropriate in terms of accessibility to all of the residents within the proposed development and maximises natural supervision, making it a safe and secure space. Accordingly, I am satisfied that the proposed public open space in qualitative terms complies with the requirements of Policy Objective SC41 Open Space.

11.5. Spine Road

- 11.5.1. There was a previous appeal on this site that may be summarised as follows:

ABP-312657-22 (Reg Ref 21/346) - Waterford City and County Council granted permission for the construction of 77 no. dwellings, access road, footpath and entrance to adjacent GAA grounds and all associated site works subject to 25 no conditions. Following a third party appeal this decision was overturned for single reason. The grounds for refusal related to the following:

- Design of access road considered to be over-engineered, overall function and tie-in with adjacent landholdings is undefined;

- Future development proposals to be served by access road has not been subject to a Traffic and Transport Impact Assessment;
- Piecemeal and haphazard development contrary to proper planning and sustainable development.

11.5.2. While it is noted that no grounds of appeal were made in relation to the proposed spine road it remains that this is a significant and important piece of infrastructure as demonstrated in the above reasons for refusal that requires consideration

11.5.3. The design proposal includes for a spine road to the east and north of the site which creates an alternative entrance to the GAA Grounds for pedestrians, cyclists and vehicles. The spine road will provide a dual function serving the proposed development and zoned lands, local amenities and facilities. This road will be used to open up access to these adjacent lands including lands for expansion of existing amenity facilities, lands zoned for Strategic Residential Reserve and lands zoned for Community Infrastructure/Education. It will provide footpaths and cycle routes on both sides to ensure safe pedestrian and cyclist routes to all of the proposed uses noted above, while also linking the spine road to existing pedestrian and cycle paths on the L3168.

11.5.4. A Traffic and Transport Impact Assessment has been undertaken for the proposed development. It also assesses the traffic impacts associated with existing uses in the area and possible future land uses via the spine road to the north of the site. The development / expansion of the Gaelscoil to the east of the proposed residential development has also been considered. Capacity assessments have been carried out at the junction with the L3168 and indicates that there will be sufficient capacity at this junction to accommodate the traffic associated with the proposed LRD and future lands uses to the north and east accessing via this junction. Overall, the report concludes that the proposed residential development would have no material impact on the adjacent road network. I am satisfied that the traffic impacts associated with the proposed development and future potential land uses have been fully considered as part of the current planning application.

11.5.5. The planning application was referred to the Roads Section, WCCC for comment where no objections were raised. It is highlighted that the proposed spine road will provide a much safer access to the GAA grounds removed from the N25 and will

encourage Active Travel through the catchment area. It is further noted that adjoining landowners, have welcomed the potential of opening up of zoned lands for development from the proposed spine road. This is evidenced in the submissions and through letters of support.

11.5.6. It is clearly evident that the redesign of the spine road has been undertaken in detailed consultation with the WCCC Roads Section and to its specifications and that the provision of the entire spine road rather than a section of road to serve the proposed development site only, is a specific requirement of WCCC. The proposed road will serve to access the proposed housing and creche and the adjoining lands that are not in the control of the applicant. The applicant states that it will be fully developed at the outset of development (Phase 1) and taken into charge by the Council upon completion. As stated above the TIA in support of the application takes into account the development potential of adjoining lands and provides a predicted cumulative impact assessment. The spine road is designed to meet the traffic generated by the proposed and predicted future development.

11.5.7. The spine road design was redesigned to address the concerns in the previous reason for refusal. It is noted in the application that the Council was the main driver of the need and development for the spine road at the outset of the application and for its design, to ensure it was immediately available to also serve adjoining development lands, when required. The delivery of this spine road is crucial to the realisation of the policies and zoning objectives for the area as set out in the Development Plan. At its most fundamental, the delivery of this spine road is basic good urban design that aligns with the long terms proper planning and sustainable development of Dungarvan. Having regard to the foregoing and taken together with the plans and particulars submitted I am satisfied that the proposed spine road has addressed the concerns raised in the previous reason for refusal. No further issues arise in this regard.

11.6. Conditions

11.6.1. I refer to Section 4.0 of this report above where a number of conditions of note, that reflect particular requirements of WCCC and its internal departments together with those of prescribed bodies are referenced. While some of the conditions as recommended are dealt with by way of standard Commissioners' conditions (Uisce

Eireann, surface water, compliance with DMURS, EV charging points, Section 47 Agreement re first occupancy, naming scheme, boundary treatment and construction works) others require further consideration and are set out as follows:

- 11.6.2. **Phasing** – A 5 stage phasing plan has been submitted. It is confirmed that the entire spine road will be developed in Phase 1. In addition, the two main open spaces to serve all of the housing will be developed in Phase 1. The creche is proposed in Phase 5. Drawing No PL-08 Proposed Site Phasing refers. I agree with the Case Planner that it would be preferable that the creche be developed as part of Phase 3, noting that there are 13 TUSLA registered creche/nursery/playschool facilities in Dungarvan as identified in the Social Infrastructure Audit. It is considered that these facilities should be able to absorb childcare demand from the initial phases of the development (i.e., 78 dwellings over phases 1 & 2) while still complying with national guidelines. Condition No 1(d) of the notification of decision to grant permission by WCCC refers. It is recommended that should the Commission be minded to grant permission that a similar condition be attached. Condition No 3 as set out in the recommendation below refers.
- 11.6.3. **Archaeology** – The Department of Housing, Local Government and Heritage in their submission to WCCC noted that the site is located within a riverine landscape close to the Glendine River and that archaeological remains associated with historic settlement or human activity in the area may survive within the footprint of the proposed development. It was recommended that an Archaeological Impact Assessment condition attached to ensure the protection of the archaeological heritage. Condition No 27 of the notification of decision to grant permission by WCCC refers. It is recommended that should the Commission be minded to grant permission that a similar condition be attached. Condition No 21 as set out in the recommendation below refers.
- 11.6.4. **Section 48 Development Contribution** - I refer to Waterford City & County Council Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Commissioners' be minded to grant permission that a Section 48 Development Contribution condition is attached. Condition No 24 as set out in the recommendation below refers.

11.6.5. **Section 48(2)(c) Development Contribution** – Condition No 3 of the notification of decision to grant permission issued by WCCC required the payment of a Special Financial Contribution in the amount of €751,750 (€4,850 x 155no. units) in respect of required improvements to road infrastructure (a new roundabout at the Burgery / N25 required to service the development). I refer to the Case Planners report (Submissions Section) where it states, in response to issues raised in the third-party submissions to the planning application that *a special contribution is recommended for the provision of a roundabout on the N25*. There does not appear to be any further comment in the Case Planners report or in the WCCC internal departmental reports in relation to the special contribution. Further it is noted that the first party has not raised any issues with respect to the application of this condition or payment of same.

11.6.6. I refer to the TIA submitted with the appeal. To the west of the proposed residential development site, the L3168 forms a two-lane priority junction with the N25 National Primary Route connecting in this area of Dungarvan to Waterford City. It is a Local Authority objective as part of the Dungarvan Relief Road proposals to in time replace this junction with a new at grade roundabout junction, which would be located to the north of this existing junction in the area of the Burgery which would realign a section of the L3168 towards the northeast of its current alignment in this area. Having regard to the foregoing it is recommended that should the Commissioners' be minded to grant permission that a Section 48(2)(c) be attached. Condition No 25 as set out in the recommendation below refers.

11.7. Other Issues

11.7.1. Validity of Appeal

11.7.2. The First Party submit that the third-party appeal may by a mechanism to hinder and frustrate the realisation of the Development Plan objective to provide for housing and community facilities on these zoned lands. The Commission was requested to consider whether, under these circumstances, to dismiss the appeal under Section 138 of the of the Planning and Development Act 2000 (as amended). I have considered the third-party appeal and I am satisfied that matters raised relate to planning and the proper planning and sustainable development of the area. Further,

the Commission has accepted the appeal as being valid. I am satisfied that no issues arise in this regard and that the consideration of the appeal proceed.

11.7.3. **Flooding**

11.7.4. I refer to the Flood Risk Assessment submitted with the application and where a number of mitigation measures are outlined.

- The Assessment highlights the fact that the site has not been subject to flooding in the past, however there are identified and recurring flood events about c1km east of the site along the Clonea Road. The lands to the south (now dezoned) have also been subject to flooding.
- As per CFRAM mapping and as contained in the Assessment, the high-end future scenario would identify the public road and lower part of the site as being at flood risk.
- The stormwater from all buildings, roads and paths will be collected in the stormwater drainage network and infiltrated into the ground, detention basin and bio retention area will be used in the green spaces, before discharging from the site to a public storm water drain where it will discharge directly to a municipal detention pond, located on the southern side of the road in Duckspool. Permeable paving is also proposed into the development. The proposed development will not result in increased surface water run-off from the site.
- Additional SUDS measures by way of permeable paving for all carparking areas (in-curtilage, visitor and creche carparking) have been incorporated into the layout for all parking areas
- The finished floor levels of proposed dwellings are to be constructed at 3.8mOD which also allows for in excess of 1m freeboard, this would protect the proposed dwellings in the worst-case scenario.
- The stormwater system, road gulleys, pipe network and Bio-retention areas must be maintained over time to ensure they work at full capacity.

11.7.5. Having reviewed the FRA I am satisfied that the issue of flood risk has been adequately addressed, subject to implementation of measures contained in the Flood Risk Assessment and other plans and particulars submitted, it is not considered that the proposed development would be at risk of flooding nor give rise to increased flood

risk elsewhere subject to maintenance of the stormwater system. To this end, it is recommended that a condition be attached requiring the stormwater system, road gulleys, pipe network and Bio-retention areas shall be maintained over time to ensure they work at full capacity and that all onsite car parking spaces shall consist of permeable paving. The requirement for permeable paving aligns with Condition No 10 of the notification of decision issued by WCCC. Condition No 10 as set out in the recommendation below refers.

11.7.6. **Ecology**

11.7.7. I refer to the **Ecological Impact Assessment** submitted with the application and where a number of mitigation measures are outlined. Measures of note are as follows:

- **Birds** - Recommended that all diseased tree removal, hedgerow cutting back and site clearance works are carried out between 1st September and 28th February (inclusive), i.e., outside the nesting season. If this is not possible, an ecologist will survey the affected areas in advance in order to assess whether any breeding birds are present.
- **Bats** - It is stated that although dusk and dawn surveys were not completed, it is likely that bats may forage along the hedgerows/treelines to access insects, hence any tree removal or hedgerow cutting back should take place during the bat hibernation period (1st November to 1st May). In addition, 'Bat-sensitive lighting' should be implemented for this development and during construction all lighting should be directed away from the hedgerows/treelines. All works to be completed during daylight hours so as to minimise disruption to nocturnal animals.
- **Construction Mitigation Measures** - The contractor will assign a member of the site staff as the environmental officer with the responsibility for ensuring the environmental measures prescribed are adhered to. A site ecologist will need to be appointed for the duration of the proposed works to ensure that the mitigation measures are implemented, and best practice site management is adhered to. The ecologist should be on site on a regular basis to ensure compliance with the environmental and ecological measures identified. Following completion of the works, the ecologist should complete a final audit report to show how the works complied with the environmental provisions described in the Ecological Impact Assessment.

11.7.8. I refer to the Appropriate Assessment carried out as part of this assessment; Section 9.0, Appendices 3 and 4 refer. Subject to the successful implementation of these measures, it can be concluded that the proposed development will not cause any significant negative impacts on the habitats, legally protected species, designated sites, or any other features of ecological importance. It is recommended that should the Commissioners' be minded to grant permission that the standard Commissioners' conditions in this regard requiring compliance with the mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment and that the design of the lighting scheme be approved of by a suitably qualified bat specialist and agree with the Local Authority be attached. Condition No 1 and 8 as set out in the recommendation below refers.

12.0 Recommendation

12.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject of the conditions outlined below.

13.0 Recommended Draft Commissioners' Order

Planning and Development Act 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 2560097

Appeal by John Mcgrath, Foulhouse, Clonea Road, Abbeyside, Dungarvan, Co Waterford against the decision made on the 16th day of April 2025, by Waterford City & Council to grant permission to S & K Carey Limited, Ballykinsella, Tramore, Co Waterford for the proposed development subject to 27 no conditions to

Proposed Development

Large-scale Residential Development (LRD) consisting of the construction of 155 no. dwelling comprising

- a) 5 no. two-storey 4-bed detached houses all with optional attic conversion,
- b) 48 no. two-storey 3-bed semi-detached houses 30 no. with optional attic conversion,
- c) 10 no. two-storey 4-bed semi-detached houses 7 no. with optional attic conversion,
- d) 6 no. two-storey 4-bed terraced houses all with optional attic conversion,
- e) 35 no. 3-bed two-storey terraced houses 23 no. with optional attic conversion,
- f) 8 no. three-storey 4-bed semi-detached houses,
- g) 1 no. three-storey 4-bed terraced house,
- h) 42 no. apartments in 4 no. three storey duplex apartment blocks with 24 no. 1 bed and 18 no. 2 bed units and a

3-classroom single-storey creche, on an application site of 5.065ha (4.366ha net).

The proposed development will include alterations along the existing public road frontage, a spine road with footpaths and cycle access from the public road (LR3168) to serve the proposed development, adjacent lands including existing GAA grounds, lands zoned for new residential, residential strategic reserve and community infrastructure.

The proposed development also includes all internal roads and footpaths, bicycle and car parking, public open spaces, foul and surface drainage services and connections, water services and connections; street lighting; landscaping, boundary treatments, alterations of site levels and all ancillary site development works at Duckspool, Dungarvan, County Waterford.

A Natura Impact Assessment (NIS) has been prepared and will be submitted to the planning authority with this application. The NIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Planning Authority.

The application may be inspected online at the following website set up by the applicant; www.duckspoolrld.com

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Commissioners' had regard to the following:

- a) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032.
- b) Policies and objectives set out in the Waterford City and County Development Plan 2022 – 2028, including the location of the western portion of the site on lands subject to Zoning Objective New Residential where the objective is *to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure* and where the eastern portion of the site is zoned Community Infrastructure where the objective is *to provide for and protect civic, educational, religious, community, health care and social infrastructure*.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) Climate Action Plans 2024 and 2025.
- e) National Biodiversity Plan 2023-2030.
- f) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- g) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2020.

- i) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- j) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- k) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- l) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- m) Development Management, Guidelines for Planning Authorities, 2007.
- n) The nature, scale, and design of the proposed development.
- o) The availability in the area of a range of social, community, and transport infrastructure.
- p) The pattern of existing and permitted development in the area.
- q) The planning history at the site and within the area.
- r) The reports of the planning authority.
- s) The submissions received by the planning authority from observers and prescribed bodies.
- t) The grounds of appeal and observations on the appeal.
- u) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment (AA)

The Commissioners' noted that the proposed development is not directly connected with or necessary to the management of a European Site.

The Commissioners' completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale, and location of the proposed development adjoining the serviced urban area, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the application, the

incorporation within the proposal of best-practice standard measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's report.

In completing the screening for Appropriate Assessment, the Commissioners' accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

The Commissioners' was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site; Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032)) or any other European site, in view of the sites' Conservation Objectives.

This screening determination is based on the following

- (i) the conservation objectives for the European Sites.
- (ii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iii) the distance from the proposed works

Environmental Impact Assessment (EIA):

The Commissioners' completed an environmental impact assessment screening of the proposed development. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by Zoning Objective New Residential and Zoning Objective Community Infrastructure of the Waterford City and County Development 2022 – 2028 and the results of the Strategic Environmental Assessment of the Waterford City and County Development 2022 – 2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- the greenfield nature of the site and its location at the edge of town location at Dungarvan which is served by public services and infrastructure,
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to wider area of the site,
- The absence of any significant environmental sensitivity in the vicinity,
- The location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Water Status Impact Assessment Screening

The Commissioners' completed a Water Status Impact Assessment screening exercise with regard being had to the objectives of Article 4 of the Water Framework Directive, taking into account the nature of the proposed development, site and receiving environment, the hydrological and hydrogeological characteristics of proximate waterbodies, the absence of any meaningful pathways to any waterbody, the standard pollution controls and project design features, the information and

reports submitted as part of the application and appeal, and the Planning Inspector’s report.

In completing the screening exercise, the Commissioners’ adopted the report of the Planning Inspector, and concluded that proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its Water Framework Directive objectives, and that a Water Status Impact Assessment would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Commissioners’ considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Zoning Objective New Residential and Zoning Objective Community Infrastructure and other policies and objectives of the Waterford City and County Development 2022 – 2028, would result in an appropriate density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the
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	<p>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 interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Ecological Impact Assessment, Site-Specific Flood Risk Assessment and Construction Environmental Management Plan submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment, public health, and clarity.</p>
3.	<p>a) The construction of the dwellings permitted herein shall proceed in accordance with the submitted phasing plan and shall ensure that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied.</p> <p>b) The Spine Road and associated services permitted herein shall be constructed in Phase 1 as per submitted details and when completed to an acceptable standard as Part of Phase 1 shall be Taken in Charge by Waterford City and County Council.</p> <p>c) The creche permitted herein shall be constructed in Phase 3.</p> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
4.	<p>All of the permitted house and duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development</p>

	<p>Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
5.	<p>Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. 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 for new residential areas.</p>
6.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 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 residential amenities of property in the vicinity.</p>
8.	<p>a) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within Landscape Layout Dwg No. LA001, submitted to the planning authority as further information on the 20th day of December 2024.</p>

	<p>b) The design of the lighting scheme shall be approved of by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to and agreed in writing with the planning authority prior to commencement of development/ installation of lighting.</p> <p>c) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
10.	<p>a) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>b) The stormwater system, road gulleys, pipe network and Bio-retention areas shall be maintained over time to ensure they work at full capacity. Details shall be agreed with the Planning Authority in writing prior to commencement of work on site.</p> <p>c) The onsite car parking spaces (in-curtilage, visitor and creche carparking) shall consist of permeable paving designed and constructed in accordance with Ciria SuDS Manual C753 and shall be subject to the written agreement of the Local Authority. Prior to the development being taken in charge by the Local Authority, adequate certification shall be provided that the permeable paving has been constructed in accordance with Ciria SuDS Manual C753.</p> <p>Reason: In the interest of public health.</p>

11.	<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>
12.	<p>Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.</p>
13.	<p>a) The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination.</p> <p>b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>c) A raised pedestrian crossing point shall be provided by the developer across the entrance to the site and shall be subject to the agreement of the District Engineer.</p> <p>d) Prior to the commencement of development, the final location, design and specification of pedestrian crossing(s) to the south of the site traversing the L3168 shall be agreed with the District Engineer. The details shall include public lighting requirements as agreed with the District Engineer.</p>

	<p>Unless otherwise agreed in writing, the works shall be carried out by the developer to the satisfaction of Waterford City and County Council.</p> <p>e) Any 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. All works carried out on the public footpath, or the public road shall be agreed with the District Engineer prior to works being carried out.</p> <p>f) 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, Waterford City & County Council. Evidence of all agreements shall be submitted to the Planning Authority within 1 month of said agreement(s).</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
14.	<p>A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
15.	<p>All links / connections to adjoining lands shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.</p> <p>Reason: In the interest of permeability and safety.</p>
16.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste</p>

	<p>management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.</p>
17.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
18.	<p>a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.</p> <p>b) The OWMP shall provide for screened bin stores for the duplex buildings, apartment blocks, and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.</p>
19.	<p>Prior to the commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All</p>

	<p>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>
20.	<p>a) The management and maintenance of the 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 so taken in charge.</p> <p>b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.</p> <p>c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: In the interests of orderly development and to provide for the satisfactory future maintenance of this development.</p>
21.	<p>a) Prior to commencement of development the developer shall retain the services of a suitably qualified licensed archaeologist at the developer's expense to advise regarding the archaeological implications of the development site. Notification of these arrangements shall be submitted to and agreed with the planning authority prior to commencement of any development.</p> <p>b) The developer shall employ the archaeologist to test the site prior to development. The testing programme will be undertaken as outlined in the Archaeological Assessment (Aug 2024). Facilities such as may be required shall be available to the archaeologist for this purpose.</p> <p>c) The archaeologist shall submit a report to the planning authority outlining the results of the investigation.</p>

	<p>d) If, in the opinion of the planning authority, significant archaeological remains are uncovered, and in so far as these remains are subject to disturbance by foundations for pilecaps, walls, floors, drainage, etc., then archaeological preservation of the site (either in-situ or by record) will be required.</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>
22.	<p>Prior to commencement of development, the applicant 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 sections 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 Coimisiun 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>
23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination.</p>

	<p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
24.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiun 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>
25.	<p>The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of required improvements to road infrastructure (a new roundabout at the Burgery / N25 required to service the development) and which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiun Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p>

	<p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</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.

Mary Crowley

Senior Planning Inspector

1st August 2025

15.0 Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ABP-322509-25
Proposed Development Summary	LRD – Construction of 155 dwellings and creche with all associated site work at Duckspool, Dungarvan, Co Waterford.
Development Address	Duckspool, Dungarvan, 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 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 checked="" 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 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>Class 10(b)(i) 'Construction of more than 500 dwellings units</p> <p>Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere</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 checked="" type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input type="checkbox"/></p>	

Inspector _____

Date _____

16.0 Appendix 2 - Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Coimisiun Pleanála Case Reference	ABP-322509-25	
Development Summary	LRD – Construction of 155 dwellings and creche with all associated site work at Duckspool, Dungarvan, Co Waterford.	
Sub-threshold - development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended) or Article 8 of Roads Regulations 1994:	<p>Class 10(b)(i) - ‘Construction of more than 500 dwellings units’ – The proposal comprises 155 no residential units</p> <p>Class 10(b)(iv) – “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere – The site is not located in a business district and has a stated site area of a c5.065ha (gross).</p>	
	Yes / No	Comment (if relevant)
	N/A	
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	

3. Has an AA screening report or NIS been submitted?	Yes	NIS submitted with the application.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>I refer to the EIA Screening Statement submitted with the application. I also refer to the main environmental considerations addressed where relevant through the various reports and assessments submitted with the planning application which include inter alia. Please refer to Section 2.6 and 2.9 of the Inspector's Report for details. These include:</p> <ul style="list-style-type: none"> ▪ EIA Screening Statement & Appendix A ▪ Planning Report and Statement of Consistency ▪ Uisce Eireann Conformation of Feasibility (review of the Pre-Connection Enquiry) ▪ Traffic Impact Assessment ▪ Flood Risk Assessment ▪ Design Statement ▪ Outdoor Lighting Report

		<ul style="list-style-type: none"> ▪ Verified View Photomontages and Computer -Generated Images ▪ Response to Notice of LRD Opinion ▪ Spine Road Assessment Report ▪ Screening for Appropriate Assessment ▪ Natura Impact Statement ▪ Ecological Impact Assessment ▪ Landscape Design Rationale ▪ Arboricultural Report ▪ Climate Resilience Report ▪ Engineering Services Report ▪ Housing Quality Assessment ▪ Construction Environmental Management Plan:
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B. EXAMINATION

Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) <i>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</i> Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)

1.1 Is the project significantly different in character or scale to the existing surrounding or environment?

No	<p>The nature and scale of the proposed development reflects the surrounding pattern of development and is not considered to be out of character with the existing and emerging surrounding pattern of development.</p> <p>No significant effects are predicted</p>	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?		
Yes	<p>The proposal will develop an existing greenfield site. The proposed development is not considered to be out of character with the existing and emerging surrounding pattern of development. New planting as part of the development will result in long-term benefits to biodiversity. There will be no likely significant adverse effects on the environment with regard to the geographic location of densely populated areas.</p> <p>No significant effects are predicted.</p>	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?		
Yes	<p>Construction materials will be typical of an urban environment and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant</p>	No

	No significant effects are predicted	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?		
Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuel and other substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>No significant effects are predicted</p>	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?		
Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other substances and will give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature. It is not expected that relevant dust or noise environmental quality standards will be exceeded by construction, or operational phases of this Proposed Development. In addition, the implementation of an Resource and Waste Management Plan and Construction Environmental Management Plan will satisfactorily mitigate potential impacts. Operational waste will be</p>	No

	<p>managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p> <p>No significant effects are predicted</p>	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?		
No	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water will discharge to the local drainage network via bio-retention. No significant emissions during operation are anticipated. There is sufficient infrastructural capacity to service the development and there will be no significant adverse impact on the material assets and land.</p> <p>No significant effects are predicted</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?		
Yes	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature and their impacts will be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	o

	No significant effects are predicted	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?		
No	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the operation of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts anticipated.</p> <p>No significant effects are predicted</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?		
No	<p>No significant risk having regard to the nature and scale of the proposed development. Any risk arising from construction will be localised and temporary in nature. There are no SEVESO/COMAH sites in the vicinity of this location. The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> <p>No significant effects are predicted</p>	No
1.10 Will the project affect the social environment (population, employment)		
Yes	<p>The development of the site will increase employment in the area and the local population. This not regarded as significant given the edge of town location of the site and the surrounding pattern</p>	No

	of land use. The scheme will have a positive impact on the long-term supply needs of housing in the area. No significant effects are predicted	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?		
No	The proposed development relates to a greenfield site in an existing outside Dungarvan Town Centre environment. Permitted developments within the vicinity of the site have been subject to separate assessments. No significant cumulative impacts are anticipated.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:		
<ul style="list-style-type: none"> ▪ European site (SAC/ SPA/ pSAC/ pSPA) ▪ NHA/ pNHA ▪ Designated Nature Reserve ▪ Designated refuge for flora or fauna <p>Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		
No	It has been concluded that there is potential for significant effects on a European site and an Appropriate Assessment has been undertaken having regard to the documentation on file including	No

	<p>the NIS. I am satisfied that there is no potential for significant effects on Dungarvan Harbour SPA Site Code – 004032 or any other environmental factor, or any requirement, therefore, for environmental impact assessment.</p> <p>Impacts on European sites are addressed under Appropriate Assessment, in Section 9 and Appendix 3 and 4 of my report</p> <p>No significant effects are predicted.</p>	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?		
No	No such species use the site and no impacts on such species are anticipated	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?		
Yes	<p>The Department of Housing, Local Government and Heritage in their submission to WCCC noted that the site is located within a riverine landscape close to the Glendine River and that archaeological remains associated with historic settlement or human activity in the area may survive within the footprint of the proposed development. It was recommended that an Archaeological Impact Assessment condition attached to ensure the protection of the archaeological heritage. Condition No 21 as set out in the recommendation below refers.</p>	No

	No significant effects are predicted.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		
No	No such features arise in this location.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?		
No	<p>The proposed development is located at a distance from the waterbodies and the housing and is not hydrologically linked to any European site. A small portion of the site is within a flood zone but the development will not be adversely impacted by flooding or will not adversely impact.</p> <p>The mitigation measures presented in the EclA, in combination with the CEMP will ensure that there are no significant residual impacts of the development upon the receiving environment. The detailed monitoring and mitigation commitments provided in the EclA and CEMP are designed to ensure that there is no risk of significant impacts upon the ecology of groundwaters or nearby local watercourses.</p> <p>No significant negative impacts have been identified on designated sites, habitats, flora or fauna as a result of the proposed development.</p>	No

	<p>A Flood Risk Assessment is included with the application that confirms the site is not susceptible to fluvial, pluvial or groundwater flooding. The area of the proposed development falls typically within flood zone C but a small portion of the site adjacent to the public road falls with flood zone B and is not expected to result in an adverse impact to the existing hydrological regime of the area, will not impact or impede access to a watercourse, flood plain or flood protection and management facilities and would not increase the risk of flooding to adjacent lands or property</p> <p>No significant effects are predicted.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?		
No	No such risks were identified.	No
2.7 Are there any key transport routes (e.g National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?		
No	<p>The site is served by a local urban road network. No significant contribution to traffic congestion is anticipated.</p> <p>No significant effects are predicted</p>	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?		
No	There is a primary school, Scoil Gharbhain, and post primary school, St Augustine's College, to the east of the site on lands zoned Community Infrastructure.	No

	The appeal site is zoned New Residential. These adjoining lands uses are compatible.	
	No significant effects are predicted	
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?		
No	No developments have been identified in the vicinity that could give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?		
No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?		
No		
C. CONCLUSION		
No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
Having regard to:		
1) The criteria set out in Schedule 7, in particular		

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10 (b) (i) and (iv) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended),
 - b) the location of the site in this edge of town neighbourhood of Dungarvan on lands that are zoned 'residential' and 'community infrastructure' in the Waterford City and County Development Plan 2022-2028
 - c) the pattern of development on the lands in the surrounding area,
 - d) the availability of mains water and wastewater services to serve the development,
 - e) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
- 2) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development" issued by the Department of the Environment, Heritage and Local Government (2003),
 - 3) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),
 - 4) the results of other relevant assessments of the effects on the environment submitted by the applicant
 - 5) the features and measures proposed by the applicant to avoid or prevent what might otherwise be significant effects on the environment,
- The Commissioners' concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____ **Date** _____

17.0 Appendix 3 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file: ABP 322509-25	
Brief description of project	<p>Large-Scale Residential Development (155 dwelling units, spine road and creche) at Duckspool, Dungarvan, County Waterford</p> <p>Third party appeal</p>
Brief description of development site characteristics and potential impact mechanisms	<p>It is proposed to construct 155 dwellings units comprising 113 houses and 42 apartments together with a crèche and ancillary works. The includes a spine road with footpaths and cycle access from the public road (LR3168) to serve the proposed development, adjacent lands including existing GAA grounds, lands zoned for new residential, residential strategic reserve and community infrastructure.</p> <p>A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the AA Screening Report / NIS and other planning documents provided by the applicant.</p> <p>There are no drainage channels or watercourses within the boundary of the site. There is no hydrological connection with any SAC or SPA. There is no standing water or flowing water on the proposed site. A small portion of the site is within the Flood Zone.</p> <p>There were no Qualifying Habitats or Annex I habitats identified on the site. No rare or protected species were recorded on the site at the time of surveying. There was no evidence of Otters or Badgers on the site at the time of surveying. There was no evidence of QI overwintering birds occupying the site.</p>
Screening report	Yes
Natura Impact Statement	Yes

Relevant submissions	<p>Department of Housing, Local Government and Heritage - Accepts the conclusion of the Natura Impact Statement (NIS), insofar as it relates to the proposed current development alone. However, concern is raised that there is insufficient evidence on the nature of the in-combination effects to support the applicant's conclusion of the NIS that the proposed development, in combination with other plans or projects (specifically, in combination with the Strategic Plan for the area) will not have an adverse effect on the integrity of Dungarvan Harbour SPA.</p> <p>WC&CCC Heritage Officer - Satisfied that the proposal individually or in combination with other plans or projects, will not adversely affect the integrity of the Dungarvan Harbour SPA.</p>
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

One European sites was identified as being located within a potential zone of influence of the proposed development as detailed in the table below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, as there are no hydrological connections and therefore no pathway for impacts. Therefore, I have only included the single site with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests (summary) conservation (NPWS, date)	Link to objectives	Distance from proposed development	Ecological connections	Consider further in screening Y/N
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Dungarvan Harbour SPA Site Code - 004032	<u>Species</u> <ul style="list-style-type: none"> ▪ Great Crested Grebe ▪ Light-bellied Brent Goose ▪ Shelduck ▪ Red-breasted Merganser ▪ Oystercatcher ▪ Golden Plover ▪ Grey Plover ▪ Lapwing ▪ Knot ▪ Dunlin ▪ Black-tailed Godwit ▪ Bar-tailed Godwit ▪ Curlew ▪ Redshank ▪ Turnstone <u>Habitat</u> <ul style="list-style-type: none"> ▪ Wetlands & Waterbirds (NPWS 16 th January 2012) https://www.npws.ie/protected-sites/spa/004032	c308m - northeast	There is a potential for surface water runoff during periods of high rainfall as a portion of the site is within the flood zone and therefore there may be indirect impacts from pollution and particulate matter during the construction and operation phases on the European Site, Dungarvan Harbour SPA.	Y
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There are no direct hydrological connections or identified pathways for impact on the receptors (Qualifying Interests (QI)) for any other European Sites within a 15km radius.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

There will be no direct impacts as the site of the proposed development is located approximately 308.3m from the SPA. However, there may be indirect impacts during periods of high rainfall from pollution and particulate matter during the construction and operation phase by way of surface water runoff as a portion of the site is within the Flood Zone. Therefore, impacts generated by the construction and operation of the development require consideration. Sources of impact and likely significant effects are detailed in the Table below.

Screening Matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Dungarvan Harbour SPA Site Code - 004032	Indirect pathway to SPA: Emissions to surface water Release of silt and sediment during site works. Release of construction related compounds including hydrocarbons to surface water	Potential pathways for indirect impact on the Annex species of the Dungarvan Harbour SPA, have been identified in the form of emissions to surface water which has the potential to affect the supporting habitat of the species near to the proposed development site. Consequently, the potential for indirect impacts on the Annex species associated with the SPA requires further assessment. No pathway for significant effect was identified as screening stage with regard to any of the SPA Qualifying Interests
	Likelihood of significant effects from proposed development (alone): Yes	

	If no, is there likelihood of significant effects occurring in combination with other plans or projects?
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p> <p>Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Dungarvan Harbour SPA.</p> <p>I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.</p>	
<p>Screening Determination</p> <p>Finding of likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Dungarvan Harbour SPA in view of the conservation objectives of a number of qualifying interest features of those sites.</p>	

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

18.0 Appendix 4 – Appropriate Assessment

Appropriate Assessment
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 155 residential units, spine road and crèche in view of the relevant conservation objectives of Dungarvan Harbour SPA (Site Code – 004032) based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none">▪ Stage 1 Screening for Appropriate Assessment▪ Natura Impact Statement in support of Stage 2 Appropriate Assessment▪ Ecological Impact Assessment▪ EIA Screening Statement & Appendix A▪ Site-Specific Flood Risk Assessment▪ Spine Road Assessment Report▪ Arboricultural Report▪ Engineering Services Report▪ Construction Environmental Management Plan <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>
<p>Submissions / Observations</p> <p>Department of Housing, Local Government and Heritage Nature Conservation</p> <ul style="list-style-type: none">▪ Accepts the conclusion of the Natura Impact Statement (NIS), insofar as it relates to the proposed current development alone.

- Concerned about the potential impact of elements of the Strategic Plan for this area which will be facilitated by the proposed Spine Road (as described in the Spine Road Report and as provided for by the inclusion of additional capacity infrastructure in the Spine Road construction), on the Conservation Objectives of Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032).
- Specific elements of concern are the projection for development of the land zoned Residential Strategic Reserve to the northeast of the site, and the provision of access to the land zoned Open Space/Recreational to the north of the site.
- Since the Spine Road forms part of the proposed current project, and is also intrinsic to the overall Strategic Plan, the Department suggests that there is insufficient evidence on the nature of the in-combination effects to support the applicant's conclusion of the NIS that the proposed development, in combination with other plans or projects (specifically, in combination with the Strategic Plan for the area) will not have an adverse effect on the integrity of Dungarvan Harbour SPA

European Sites

Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032)

Summary of Key issues that could give rise to adverse effects (from screening stage): (See Table 1 of the NIS)

- Water quality degradation (construction and operation)

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures
Great Crested Grebe	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	Application of industry standard pollution controls measures
Light-bellied Brent Goose	Maintain / restore favourable	Water quality degradation and/ or	

	conservation condition	alteration of habitat quality would undermine conservation objectives	Implement Construction and Environmental Management Plan (CEMP) Supervision by an Ecologist Monitoring of water quality parameters If there is heavy rainfall no works shall take place (>20mm)
Shelduck	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Red-breasted Merganser	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Oystercatcher	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Golden Plover	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Grey Plover	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Lapwing	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Knot	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	

Dunlin	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Black-tailed Godwit	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Bar-tailed Godwit	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Curlew	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Redshank	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Turnstone	Maintain / restore favourable conservation condition	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Wetlands	To maintain the favourable conservation condition of the wetland habitat as a resource for the regularly-occurring migratory waterbirds that utilise it.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), supervision by an Ecologist, application of specific mitigation measures and monitoring effectiveness of measures. Measures include:

- A silt trap around the site for the duration of the construction phase will be erected with the use of wooden stakes, woven geotextile fabric and sandbags before the development works take place to ensure that there is no runoff into adjacent wetland areas.
- The proposed development incorporates SuDS features, including detention basin with sloping sides, complete with a hydro-brake flow control and bypass separator for metals and hydrocarbons, which will discharge into a connection in the spine road and permeable paving. The surface water run-off will be discharged to the public network at greenfield rates.
- Management of construction pollutants in terms of standard and best practice (CIRIA, storage, fuelling, management of machinery, concrete management) and IFI guidance
- Water quality monitoring to ensure effective management of mitigation measures and to provide for evidence of effectiveness of measures and early intervention in the unlikely event of measures not working to compliance standards.
- Should any overwintering wetland birds be found on the site then works shall cease. Work will only resume on the advice of the Ecologist.
- Time of site clearance/vegetation removal between 1st September and 1st March. Should any nests be encountered during the development work, then work will be ceased immediately, and the site inspected by the Ecologist
- All works to be carried out during daylight hours

- There will be no fuel stored on site. All refuelling will take place off-site. Procedures and contingency plans will be set up to deal with emergency accidents or spills. An emergency spill kit with oil boom, absorbers etc. will be kept on-site for use in the event of an accidental spill
- No soil shall be imported from outside of the site.
- A site ecologist will be appointed for the duration of the proposed works to ensure that the mitigation measures are implemented, and best practice site management is adhered to.
- The contractor will assign a member of the site staff as the environmental officer with the responsibility for ensuring the environmental measures prescribed are adhered to

It is my view that these are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP), the EclA, and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the **Dungarvan Harbour Special Protection Area (SPA)** and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures are captured in Planning condition 2 of the Inspectors Report.

In-Combination Effects

The Department of Housing, Local Government and Heritage Nature Conservation in their report to WC&CC accept the conclusions of the NIS insofar as it relates to the proposed LRD alone. However, they raise concerns about the potential impact

of elements of the Strategic Plan for the wider area, with particular reference to the proposed Spine Road ("*to open up all surrounding zoned lands*") that forms part of the LRD. They state that this spine road is intrinsic to the overall Strategic Plan, and that there is insufficient evidence on the nature of the in-combination effects to support the applicant's conclusion that the LRD, in combination with other plans or projects (specifically, in combination with the Strategic Plan for the area) will not have an adverse effect on the integrity of Dungarvan Harbour SPA.

The WC&CC Heritage Officer had no objection to the proposed development subject to implementation of mitigation measures. The Case Planner concluded that potential for significant impacts on Natura 2000 sites can be ruled out.

While the NIS refers to "*the collective cumulative effects of the overall proposed masterplan development if and whenever it is implemented*" no further details or analysis is provided. The NIS states that "*in order to ensure an effective and conclusive environmental assessment consistent with best practice, the assessment of potential effects on the environment includes the effects arising from the physical characteristics of the proposed mixed-use development (for which planning permission is sought) and also; the collective cumulative effects of the overall proposed masterplan development if and whenever it is implemented*". No further detail is provided in this regard. The NIS also refers to checking the EIA portal but that no large-scale developments were identified within the vicinity of the site.

The spine road is necessitated in order to provide access for this site and other sites beyond the application site boundary to facilitate future development. The delivery of this spine road complies with the policies and objectives of the Waterford City and County Development 2022 – 2028, namely, wider zoning objectives for the area, Policy Objective TRANS 09 – Connectivity and Permeability, Policy Objective Place 05 – Legislative Placemaking and Policy Objective Uni Des 03 – Access for All / Universal Design. I also note SEA has been undertaken as part of the Waterford City and County Development 2022 – 2028. I am satisfied that the

cumulative effects have been adequately addressed in the NIS and within the limits of knowledge the applicants' experts would be reasonably expected to have.

It is acknowledged that other developments have a potential cumulative impact on the surface water drainage network. However, as there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and Conclusions

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. The proposed development

would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Reasonable Scientific Doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Dungarvan Harbour Special Protection Area (SPA) (Site Code: 004032)

19.0 Appendix 5 - Water Framework Directive Impact Assessment

Stage 1 Screening			
Step 1: Nature of the Project, the Site and Locality			
ABP Ref.	ABP-322509-25	Townland, address	Duckspool, Dungarvan, Co Waterford
Description of project		Construction of 155 residential units, childcare facility and all associated site works with connections to Uisce Eireann Wastewater and Drinking water infrastructure.	
Brief site description, relevant to WFD Screening		<p>The site is greenfield in nature and presently in agricultural use located on the edge of a local town. The site slopes from north-east to south-west from a higher elevation of 6.5m above sea level to a lower elevation of 2.5m above sea level (OSI, 2024).</p> <p>The site has bedrock geology of Tournaisian limestone from the Palaeozoic, Carboniferous period. The soil type overlying the bedrock geology covering the site is acid, deep, well-drained soil comprised of acid brown earths and brown podzolics.</p> <p>The site is bounded by agricultural land to the north and east and with both primary and secondary schools further to the east. A residential housing estate to the west and sports grounds to the north.</p>	

	<p>There are no drainage channels or watercourses within the boundary of the site.</p> <p><i>There is no flowing or standing water within or adjacent to the site and therefore there is no hydrological connection with any European Site. However, a portion of the field in which the site is located is within the flood zone</i></p> <p>The Waterford City and County Development Plan 2022-2028 shows flooding along the road, R672, to the south of the site. Flood Zones A and B flood extend into the site boundary where the existing low-level ground is located. The site has not been subject to flooding in the past. The OPW Flood Maps do not identify any River, Coastal or Fluvial flood events specifically on the site but there are identified single and recurring flood events about one kilometre to the east of the site, along the Clonea Road, but not on the site.</p>
Proposed surface water details	<p>Surface water run-off in the proposal will be collected, attenuated on-site, and discharged by gravity to the public network. A new stormwater drain will be laid in the public road (south) and will discharge to the newly constructed municipal retention pond located on the southern side of the road in Duckspool. The proposed development incorporates SuDS features, including permeable paving, blue/ green roofs, filter drains, tree pits, attenuation areas and hydrocarbon interceptors. The surface water run-off will be discharged to the public network at greenfield rates. No capacity issues are identified by the Drainage Section of the planning authority.</p> <p><i>The management of surface water will be via the use of Sustainable Drainage solutions (SuDs) incorporated into the proposed development as detailed in the accompanying engineering reports. These are as follows:</i></p>

	<p><i>1 x detention basin.</i></p> <p><i>Permeable paving within each dwelling</i></p> <p><i>There will be a hydro-brake flow control and bypass separator from the detention basin for metals and hydrocarbons, which will discharge into a connection in the spine road.</i></p> <p><i>The drainage in the road will connect into a retention basin in adjoining lands.</i></p> <p><i>To address the issues of additional surface water created because of the loss of green field site, where natural soakage would usually occur to the ground, Sustainable Drainage Systems (SuDs) are an appropriate way to manage surface and storm water, whilst improving the quality of runoff water</i></p> <p><i>The purpose of SuDs measures is to mimic natural drainage, which is now reduced due to the creation of man-made surfaces in the form of buildings, impermeable footpaths and roadways as part of the development. SuDs measures will therefore assist with the slowing down of runoff, thus reducing the potential for flooding and aid to improve the water quality of surface water and storm water runoff in line with the Water Framework Directive (2000).</i></p>
Proposed water supply source & available capacity	<p>Uisce Eireann mains water connection. Uisce Eireann has provided Confirmation of Feasibility subject to upgrades comprising a new 200m of 200mm ID watermain to connect the existing 200mm watermain at the junction at Coolagh Lane to the 150mm on the N25 Cork Road. The upgrades will be required and funded by the developer, in order to facilitate the proposed development. No capacity issues identified.</p>

Proposed wastewater treatment system & available capacity		Uisce Eireann Wastewater connection. Wastewater will be collected and discharged by gravity to the public network for treatment. Uisce Eireann has provided Confirmation of Feasibility subject to potential upgrades required downstream to accommodate the additional flows. These will be confirmed at connection application stage through modelling. It is envisaged that circa 100m of upgrade of the existing 300mm sewer. The upgrades will be required and funded by the developer, in order to facilitate the proposed development. No capacity issues identified.				
Other		N/A				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified Waterbody	Distance to (m)	Waterbody name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on the waterbody	Pathway linkage to water feature
River Waterbody	c700m	Deelish Stream (IE_SE_17D030100)	Moderate	Review	Non identified	Surface water run off
Groundwater Waterbody	Underlying site	Dungarvan (IE_SE_G_052)	Good	Not at risk	Non identified	Drainage to groundwater

Transitional Waterbody	c380m	Colligan Estuary (IE_SE_140_0100)	Moderate	At risk	Urban waste water	Surface water run off and wastewater	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment?
1.	Site clearance/ construction	Deelish Stream	None	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site	Implement CEMP	No	Screened out

				preparation and construction			
2.	Site clearance/ construction	Dungarvan	Drainage through soil / bedrock	Reduction in groundwater quality from pollution of surface water run-off	Implement CEMP	No	Screened out
3.	Site clearance/ construction	Colligan Estuary	None	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction and	Implement CEMP	No	Screened out
OPERATIONAL PHASE							

1.	Surface water run-off	Deelish Stream	None	Deterioration of water quality	Incorporation of silt and oil interceptors to ensure clean discharge	No	Screened out
2.	Groundwater discharges	Dungarvan	Drainage through soil/ bedrock	Reduction in groundwater quality	SuDS and greenfield discharge rates	No	Screened out
3.	Surface water run-off	Colligan Estuary	None	None	SuDS features	No	Screened out
DECOMMISSIONING PHASE							
1.	Decommissioning is not anticipated as this is a permanent residential development.						