



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-322875-25**

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<b>Development</b>	Demolition of existing buildings and construction of mixed use development 45 residential units and 2 ground floor commercial units in 3 blocks to a height of 4 storeys and associated site works.
<b>Location</b>	18-21 Ballybricken, Waterford City.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2460546
<b>Applicant(s)</b>	Ferryhill Properties Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ferryhill Properties Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> September 2025
<b>Inspector</b>	Suzanne Kehely

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## 1.0 Site Location and Description

- 1.1. The site of .241 hectares is located on the western side of Waterford city centre environs and on the western side of Ballybricken Green. The site comprises an amalgamation of plots forming a large block with frontage principally onto Ballybricken Green to the east, Morgan Street to the north, Grace's Lane to the west and abuts the top of Clashrea Place to the south.
- 1.2. The site is occupied by a large retail premises for electrical/white goods and includes showrooms and retail area with the main customer pedestrian access from the Green. Customer car park and delivery area is accessed off Morgan Street and Graces Lane. There is a separate yard also with access off Grace's Lane.
- 1.3. In terms of adjoining properties, the site adjoins the rear of an apartment scheme at the corner of Grace's Lane /Morgan Street which overlooks the car park. Other adjacent properties include the rear and one of the gable ends of dwellings along Morgan Street, the gables end of nos. 9 and 17 Clashrea Place a, creche to the rear of premises on Ballybricken Green.
- 1.4. The site slopes downwards in a north and westerly direction from the southern end of the Green frontage as is evident in views along Morgan Street. The building topography in the area is characterised by a predominance of two storey buildings around the Green punctuated with some 3 storey pitched roof premises. The terrace of which the premises forms a part, has a stepped ridge profile reflecting the sloping terrain.
- 1.5. The present buildings are of 1980s two storey design with a mix of stone facing, dormer detail and a stepped roof profile along the principal frontage and industrial warehouse type premises to the rear. The car park frontages are defined by a variety of railings on plinth walls. A high old stone rubble wall separates the site from Clashrea Place and the gable ends are also visible. Metal cladding is attached along the boundaries with Morgan Street properties. The existing premises otherwise abuts adjacent properties.
- 1.6. Photographs of the site and its environs taken during my site inspection further illustrate the site and environs.

## 2.0 Proposed Development

2.1. The proposed development as submitted to Waterford City and County Council and as amended by further information comprises:

- Demolition of all structures on site and construction of 45 apartments in three blocks in 3 blocks fronting onto three street frontages at Ballybricken Green where it replaces part of terrace, along Morgan Street where there is a car park entrance and along Grace's Lane where there is also car park and yard access screened by railings.

## 2.2. Summary of Development

Development Parameter	Proposed as revised in further information	
Application Site (Gross Site Area)	0.241 ha	
Application Site (Net Developable Site Area)	0.241 ha	
Demolition	2interconnecting premises and ancillary buildings	
No. of residential units	Total: 45 no. units <ul style="list-style-type: none"> <li>▪ 22 no. 1 beds (2 person) – 49%</li> <li>▪ 17 no. 2 beds (4 person) – 38%</li> <li>▪ 2 no. 2 beds (3 person) -4%</li> <li>▪ 4 no. 3 beds (5 person) –9%</li> </ul> 138 bedspaces in 72 bedrooms	
Gross Internal Floor Area	4540.9 sq.m.	
Density (Based on Gross Site Area)	186dph	
In excess of floor area minimums	All in excess 34 are >10% of min floor area	
Site coverage	Approx. 49% (based on gross floor ground floor areas) excludes bike store	
Plot Ratio	1.88	

<b>Height</b>	Block A: 4 storeys (roof 36.89mOD – parapet 33.58 on street) (existing 97.885) Block B: 4 storeys (roof 33.59mOD) Block C: 4 storeys (roof 36.44mOD)	
<b>Communal Open Space/public open space</b>	<ul style="list-style-type: none"> <li>▪ Communal courtyard has public access</li> </ul>	
<b>Residential Amenity</b>	<ul style="list-style-type: none"> <li>• Landscaped courtyard</li> <li>• bin and bike parking area</li> <li>• Communal storage area with shop windows for future commercial</li> </ul>	
<b>Private Amenity Space</b>	Apartment and roof terraces	
<b>Dual Aspect</b>	51% (23 no units) are dual aspect	
<b>Car Parking Spaces</b>	0	
<b>Car Parking Ratio</b>	n/a	
<b>Motorcycle parking</b>	0	
<b>Cycle Parking</b>	50 Bike parking – some in block B. (1 space per unit plus 5 )	
<b>Existing/last use</b>	Retail with car park and yard	
<b>Part V</b>	<ul style="list-style-type: none"> <li>• 10% of units will be allocated for social housing</li> <li>• 4 x 1 bed and 1 x 2 bed</li> </ul>	

The application was accompanied by a comprehensive set of drawings and technical report which included the following:

- Architectural Design Statement: sets out the design rationale for the site having regard to its regeneration status and city location. It includes a housing quality assessment
- Architectural Heritage as revised having regard to in FI
  - Visual Impact Assessment and Mitigation Report

- Engineering Planning Report - Infrastructure Report - storm water drainage system will discharge to one underground Attenuation tank
  - Foul- storm water drainage system will discharge to one underground Attenuation tank.
  - The site not identified as being in a flood risk area
  - There is no vehicular access for the proposed development as no car parking will be required as the development is located in the city centre and 0 spaces are required ss per Table 7.1 – Car Parking Standards of the Waterford City & County Development Plan 2022-2028. There is sufficient public road frontage on all sides of the site to facilitate fire tender access and waste refuse collection truck.
- Construction Waste & Demolition Management Plan
- Daylight and sunlight and Overshadowing study (FI )
- Revised drawing reduces the height by a storey and, reduces units from 53 to 45, addresses active frontage , increases bicycle ratio places, introduces privacy screens to address overlooking to south of Clashrea place and Morgan Street. Due to size of site at less than .25ha and number of units the SPPR objectives do not apply. and flexibility is requested for the infill site.
- Operational waste management Plan FI
- Engineering planning report FI for drainage – feasibility connection and storm network and attenuation design with SUDs measures.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. By Order 30th May 2025 issued a notification of decision to refuse permission for the following reasons:

1. Having regard to the existing **character** and the **prevailing pattern of development**, the location and setting of the site, which is partially located within a designated **Architectural Conservation Area (ACA)**, it is considered that the proposed development, by reason of its overall **scale, height and massing would be out of scale with its surroundings**, would seriously

detract from the architectural character and setting of the surrounding area vicinity and of the streetscape generally. The proposed development would, therefore, seriously detract from the architectural heritage and visual amenities of the area, would contravene Policy **Objective BH05** of the Waterford City & County Development Plan 2022-2028 which seeks to preserve the special character and settings of Architectural Conservation Area (ACA). The proposed development would, therefore, be contrary to the policies and objectives of the Waterford City & County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

2. The proposed development would seriously detract from and negatively impact on the existing **residential amenities of properties in the vicinity of the site, in particular Clashrea Place**, and as such would be contrary to Policy **Objective H20** of the Waterford City & County Development Plan 2022-2028, which seeks to protect the residential amenities of adjacent residential properties in terms of **privacy** and availability of **daylight and sunlight**. The proposed development would, therefore, be contrary to the policies and objectives of the Waterford City & County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

- 3.2.1. **Planning Reports:** In the initial report (4<sup>th</sup> Nov 2024) having regard to policies and objectives of the Waterford City & County Development Plan 2022-2028, statutory guidance, internal reports and submissions, **Further Information** was requested and was submitted on 7<sup>th</sup> May. In the subsequent report of 27<sup>th</sup> May, it was considered by reference to further technical reports as summarised in above table and with particular regard to architectural context. Issues were not satisfactorily addressed and refusal of permission recommended

Issue subject of request	response	PA assessment
1) Height and scale an impact on public realm: a) Transition between the existing properties at Ballybricken Green and 'Building A' requires	a) The proposal has been revised by setting back the upper floor level of 'Building A' and it is stated that revisions provide a more gradual transition between 'Building A' and No.22	a) Concerns in relation to the height, scale and massing of the 'Building A' relative to adjoining building and impact

<p>revision such that there is a more gradual increase in heights between the proposed site and No.22 Ballybricken Green. The scale and bulk of the southern elevation of 'Building A' when viewed from Ballybricken Green is also a concern.</p> <p>b) Ground floor elevations of 'Building A' as presented on Morgan Street and that of 'Building B' fail to contribute to the public realm in terms of active frontage</p> <p>c) Proposed 5-storey apartment building ('Building C') will detract from the character and visual amenity of the area owing to the relationship of the building to the adjoining 2-storey dwellings at Clashrea Place, that the visual impact would constitute a visually dominant and discordant feature</p>	<p>Ballybricken Green, 2 no. of units to the top floor have been omitted. The upper floor has been setback from the boundary with No.22 Ballybricken. The height at the third-floor level (parapet level to this level) has not been altered. The setback to the 4<sup>th</sup> floor improves the transition between the proposal and the adjoining property. The submitted photomontages indicate outdoor usable space at this level however floor plans are not provided.</p> <p>b) The large windows provided either side of the recessed entrance are to storage areas, there are no details provided in relation to how this will be dealt with. An updated floor plan for the lower ground floor of Block B not been provided.</p> <p>Block B has been altered at third floor level, the top floor has been setback and metal cladding finish with glass balustrade to detail similar to Block A has been provided which reduces the bulk of Block B when viewed from Morgan Street and provides an improvement to the scheme. Block C has been reduced from 5-storey to a 4-storey apartment block. A number of photomontages of the proposal relative to Clashrea Place comparing the current view and proposal with reduced heights has been provided. It is stated that the proposal will have no visual impact on Ballybricken Green and noted that 'Building C' is located outside of the Architectural Conservation Area (ACA)</p>	<p>of the proposal when viewed from the surrounding area.</p> <p>b) Revised proposal does not create an appropriate active street frontage at this location.</p> <p>c) Notwithstanding the positioning of 'Building C' to the north of Clashrea Place having regard to the proximity of the proposal relative to Clashrea Place it is considered the revised proposal would adversely impact of the character Clashrea Place and rise to an over dominant effect on Clashrea Place.</p>
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2) Revised AHIA	Submitted which takes account of the alterations	
3) Revision to comply with 'Urban Development and Building Heights Guidelines for Planning Authorities December 2018 and also assessed in accordance with 'A New European Standard for Daylighting in Buildings EN17037' or UK National Annex BS EN17037 and the associated BRE Guide 209 2022	Daylight, Sunlight and Overshadowing Study' prepared by Integrated Environmental Solutions Limited has been submitted. The assessment provides details on the impact classification (negligible adverse impact, minor adverse etc.)	
<p>4) (a )Revised proposals which address potential for overlooking and/or loss of privacy having regard to : nature of the use of a balcony area serving Apartments 30, 36, 42 &amp; 48 to the southern elevation of 'Building C' and proximity to adjoining properties at Clashrea Place it is considered the proposal as submitted will give rise to loss of privacy.</p> <p>(b) The balcony areas serving Apartments 32, 38, 44 &amp; 50 to the southern elevation of 'Building C' are located c.2m from the boundary with Clashrea Place and owing to the proximity will give rise to loss of privacy to the upper floor windows to the front elevation of properties at Clashrea Place adjoining the site.</p> <p>(c)It has not been demonstrated that the Balcony areas serving Apartments 49, 43, 37 and 31 which are setback approx. 7.5m from the boundary with No.42 Morgan Street will not give rise</p>	Privacy screens to be provided as shown on elevation but not on plan. There are only apartment typologies	<p>a/b) no detail of screen finishes, spacing etc.</p> <p>There is an existing window to the side elevation of No. 9 Clashrea Place and the proposal as submitted does not address potential for loss of privacy to this dwelling. The screen should be extended to the southern elevation of the apartments to Block C facing Clashrea Place. An appropriate condition could be attached for final details to be submitted and for screens to extend to the full length of the balconies to northern and southern elevations.</p> <p>It is stated that revised proposals have been submitted</p>

<p>to loss of privacy owing to the proximity and nature of use of the balcony areas.</p>		<p>providing privacy screens to external elevations. The privacy screens are identified on elevation drawings but not on plan. The elevation drawings indicate a 'privacy screen' for a section of the balcony area facing the rear of Morgan Street properties. Further details of the screen finishes, spacing etc. are not provided. The screen should be extended to the northern elevation of the balcony closest to Morgan Street</p>
<p>5) Excess one-bed – noncompliance with 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023' it is noted that SPPR 2 does not apply. Also not necessarily urban infill given demolition of commercial premises.</p>	<p>Reduced to 45 units which below the threshold for SPPR2. Argued to be urban infill</p>	<p>It is accepted that the site is urban infill in accordance with the 2023 apartment guidelines.</p>
<p>6) Revised floor for 2 bed units with minimum floor area of 73sq.m. (SPPR 3) the 2 bed units ref in Sustainable housing design standards 2023 are not applicable</p>	<p>Apartments redesigned but still includes 2 x 2bed (3 person) at 66.6 sq.m. and dispensation is south in line with SPPR3 and section 3.15 (majority exceed min by 10%)</p>	<p>The requirement in sec 3.7 of guidelines is met in that 'no more than 10% of the total number of units in any private residential development may comprise this category of two bedroom three-person apartment.</p>

7) Address discrepancies in floor areas	As above	
8) Submit a building life cycle report and provide detail of floor plans with dimensions.	Submitted	
9) - Uisce Eireen confirmation details - Revised proposals for on-site surface water drainage measures which incorporates SuDS measures. selection hierarchy report shall be provided which includes a list of SuDS measures with rationale where not used.	Confirmation of feasibility for UE provided. Attenuation tank with greenfield rate discharge to combined sewer. SuDS dismissed. Proposal will reduce hardstanding and include permeable paving to courtyard prior to discharging to tank and will be treated.	Exact location of permeable surface not delineated
10) revised proposals for Bicycle Parking in accordance with Table 7.3 of the Development Management Standards (Volume 2) of the Waterford City & County Development Plan 2022-2028 i.e. 1 space per apartment and 1 additional space per 5 units.	5 Bicycle parking spaces provided - spaces with and external to apartments	No comment
11) Operational Waste Management plan for Apartment Scheme' including commercial units	Submitted	No comment
12) a 'social infrastructure audit' as per Housing Mix Policy Objectives H17	Social infrastructure audit submitted	No comment
13) revised site layout plan which clearly indicates the proposed widened footpath at Morgan Street	Revised plans indicate a 2m wide footpath	No comment
14) reconsider storage rooms at ground level in block B in context of active frontage with internal access	Recessed entrance with display windows to storage but no revised floors place and remains as inactive frontage.	No details of how windows to be treated Visible storage undesirable
15) revised site layout plan identifying the location of all boundary treatments, railing and entrance gates. Details of	Location of railing gates unclear. Final details can dealt with by condition.	

railing and gate type, finishes, heights etc. Shall be provided.		
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### 3.3. Other Technical Reports

#### 3.3.1. Architect’s Department

- The proposed four storey would completely alter the composition and character of this terrace in contrast to the current building which replaces number of earlier structures on the site and has respected the height of the terrace and scale of surroundings. The terrace steps the sloping topography. Fails to consider balance with the other opposing corner building on Morgan Street – this east west route along Morgan Street being of historic importance the scale height and massing of the current proposal will therefore significantly impact the views westward from Ballybricken as well as of Ballybricken for the west Morgan Street and Grace Road.
- Impact on Morgan Street and Grace’s Lane – four and five storeys will change domestic scale and character and fails to achieve an active street frontage.
- Viewpoints A and B as illustrated in VIA are substantial with adverse effects and this is agreed, whereas viewpoint C from Morgan Street and Graces Lane, while a moderate impact, it is considered adverse in its effect and not neutral.
- Development proposed fails to sensitively address the unique character of this ACA

3.3.2. **Drainage:** No report

3.3.3. **Roads:** No report. Reference to verbal discussion and no comment.

3.3.4. **CFO:** No report

3.3.5. **Conservation Officer:** No report:

3.3.6. **Environment Report:** (22<sup>nd</sup> May 2025) No object subject to conditions.

### 3.4. Prescribed Bodies

3.4.1. DAU Archaeology (23/10/24): The proposed development site is located within the Zone of Archaeological Potential in Waterford City as identified in the Urban

Archaeological Survey of Waterford City. The development site is located within the confines of Recorded Monument WA009-005 historic city, which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. Monument record R134132 is noted. As the site is in a Zone of archaeological Interest, an Archaeological Impact Assessment is requested as further information.

1. The applicant shall engage a suitably qualified and experienced archaeologist to prepare an Archaeological Impact Assessment report to be submitted to the Planning Authority as Further Information. The assessment shall include a programme of archaeological testing within accessible areas of the proposed development site to determine the presence/absence of any surviving archaeological remains (licensed under the National Monuments Acts 1930-2014) and to develop an informed archaeological mitigation strategy.

2. Following the completion of archaeological testing on site, the archaeologist shall prepare a report for submission to the Planning Authority, including a description of any archaeological findings, an archaeological impact statement and suggested mitigation strategy. Where archaeological material/features are shown to be present, preservation in situ, revision of site layout, preservation by record (excavation) or monitoring may be required. Mitigatory measures to ensure the preservation and/or recording of archaeological material/features shall be suggested in the archaeological assessment report and the Planning Authority, following consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, will advise with regard to any further archaeological requirements following receipt of the assessment. All archaeological mitigation measures required by the Planning Authority shall be implemented by the developer.

3. The applicant should be aware that any resulting and associated archaeological costs shall be borne by the developer. This may include archaeological excavation within the footprint of any approved development, further archaeological investigative work following demolition and site clearance works, post excavation specialist reports and the preparation of a final archaeological report following the completion of all archaeological excavation works.

In a subsequent report 8<sup>th</sup> May 2025 condition are recommended in the event of a grant of permission.

3.4.2. **Uisce Eireann:** Water and wastewater connections feasible with infrastructure upgrade. Condition recommended in respect of stormwater management and discharge.

### 3.5. **Third Party Observations**

- Over 20 submissions are noted and issues summarised in PA report which relate to broader infrastructure capacity as well as substandard nature of this type of accommodation, inadequate services within and around the development, impact of height on both character of this conservation area and value of surrounding properties and impact of inadequate parking facilities on surrounding roads.

## 4.0 **Planning History**

### 4.1. **The site**

4.1.1. The planning history for the existing development on site is set out in the planning report. Of note the Pre-application report for the subject development is included: In addition to standard development control criteria for housing PA advised: 3-4 storey height with suitable transition /and or setback between development and Clashrea Place Graces Land, AHIA required for ACA location for eastern section and demonstrating design rationale for frontage onto green and Morgan Street.

## 5.0 **Policy Context**

### 5.1. **National Planning Policy**

5.1.1. **Project Ireland 2040 - National Planning Framework:** Part of the vision of the NPF in managing growth is targeting significant amounts of new housing into existing built-up areas of cities, towns and villages and particularly through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas. The NPF also sets out a number of National Strategic Outcomes

which include Compact Growth and facilitating greater densities while delivering high quality design. Relevant objectives include:

- NSO 1 - Compact Growth
- NPO 4 A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
- NPO 8 - Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- NPO 10 - Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- NPO 11 - Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals ... shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- NPO 12 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being
- NPO 13 - Develop cities and towns of sufficient scale and quality...to be drivers of national and regional growth, investment and prosperity.
- NPO 14 - Urban regeneration
- NPO 16 – 88,000 population target for Waterford City and suburbs by 2040 (from 60000 in 2022)
- NPO 22- performance based criteria for housing standard, height parking provision
- NPO 37 - Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages
- NPO 38- integration and greater accessibility in the delivery of sustainable communities

- NPO 43 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location
- NPO 45 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development

5.1.2. **National Biodiversity Action Plan (NBPA) 2023-2030:** The emphasis is on a “whole of government, whole of society” approach to the managing biodiversity in order to meet urgent conservation and restoration needs strengthen Ireland’s contribution to international biodiversity initiatives.

5.1.3. **National Guidance and Section 28 Ministerial Guidelines**

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) – these revoke Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
    - Table 3.2 policy and objective of these Guidelines that residential densities in the range 100 dph to 250 dph (net) shall generally be applied in the centres of Limerick, Galway and Waterford.. The site adjoining residential enclaves that could be classed a urban neighbourhoods where there is greater range of land uses and accessible and where densities range from 50dph to 200dph shall be generally applied.
    - Section 3.4.2 sets out consideration of character amenity and natural environment The evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities and the capacity of the area for change. While it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design.
- (b) Historic environments (built and landscape heritage) can be particularly

sensitive to change. It is a recommendation of these Guidelines that a Built Heritage Character Assessment inform the preparation of statutory development plans that relate to historic environments. The assessment should describe for example, the historical evolution, urban form, street pattern, building typologies and building plots that define the historic environments.

- It will be necessary to consider the impact of a proposed development on the amenities of residential properties that are in close proximity to a development site. The key considerations should include privacy, daylight and sunlight, and microclimate. These considerations are addressed in more detail in Chapter 5 Development Standards.
- Policy and Objective 4.2 It is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications.
- Key indicators of Quality design and placemaking are set out in section 4.4
- Policy and Objective 3.1 It is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.
- SPPR1 minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms<sup>16</sup> at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private

amenity spaces.... In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

- SPPR 3 - Car Parking: It is a specific planning policy requirement of these Guidelines that: (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
- SPPR 4 - Cycle Parking and Storage: It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended: (i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers. (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022)

- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Architectural Heritage Protection Guidelines (2011)
- Urban Development and Building Heights Guidelines (2018)

5.1.4. **South Regional Assembly - Regional Spatial and Economic Strategy 2019-**

**2031 (-RSES).** This Strategy provides a development framework for the region through the integration of a spatial and economic strategy and environmental strategies. Waterford City is part of the regional metropolitan area targeted for sustainable and compact growth particularly through objectives RPO 6, 7, 8 and 9.

- RPO 10 Compact Growth in Metropolitan Areas To achieve compact growth, the RSES seeks to: a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.

5.2. **Development Plan – Waterford City and County Development Plan 2022-2028. (CDP)**

5.2.1. **Development Management Criteria:** The planning report sets out a comprehensive list of relevant policies and objectives which support both housing development, city centre development and protection of the architectural heritage.

5.2.2. **Zoning:** Under this CDP, the site is within the Waterford city settlement boundary and within this, is in the town core TC where it is an objective to Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses. It partly abuts property to the south and north within the existing residential zone RS where it is objective ‘to provide residential development and protect and improve residential amenity.’ The green is zoned open space and recreation OS Preserve and provide for open space and recreational amenities.

5.2.3. **Housing:** Relevant CDP objectives include: **H02**, (location and design) **H17** (variety and mix of units for sustainable communities – audit for 15+ units) and **H18** (climate change measures) (chapter 7) sets out key aims for new residential development.

5.2.4. **Conservation:** Chapter 5 sets out Heritage Policy. The site is partly within an Architectural Conservation Area. The area includes all the frontage properties around the Green. There are number of structures around the green relating to property and street furniture/features that are included in the Record of Protected Structures. None of the western terrace are included.

- **BHO 5** is the policy objective for **Architectural Conservation Areas**. It is the policy of the Council to:
  - Achieve the preservation of the special character of places, areas, groups of structures setting out Architectural Conservation Areas (ACA).
  - Protect the special heritage values, unique characteristics and distinctive features, such as shopfronts within the ACA from inappropriate development which would detract from the special character of the ACA.
  - Prohibit the demolition of historic structures that positively contributes to the distinctive character of the ACA.
  - Encourage the undergrounding of overhead services and the removal of redundant wiring/ cables within an ACA and to assess all further cable installations against its likely impact on the character of the ACA as the cumulative impact of wiring can have a negative impact on the character of ACAs.
  - Provide guidelines on appropriate development to retain its distinctive character; and protect elements of the streetscape such as rubble stone boundary walls, planting schemes and street furniture such as paving, post boxes, historic bollards, basement grills, street signage/plaques, etc. which make a positive contribution to the built heritage.
  - Retain or sensitively reintegrate any surviving items of historic street furniture and finishes such as granite kerbing and paving that contribute to the character of an ACA
- **Section 11.6 refers to Design:** The design of any proposed new development in a historic core should respect the existing character of its setting and blend in harmoniously sited and designed sympathetically so as not to detract from the setting. New developments should consider the existing building heights, vertical and horizontal lines, window size and fenestration in the vicinity, building

materials and elevations of the existing structures. In some cases, high quality contemporary design can be acceptable.

- **Section 11.7 refers to Vista and Settings.** The setting of an area, together with views in and out of it, can contribute greatly to its overall character of an historic building or groups of buildings within an ACA. A schedule of Protected Views and Scenic Routes are set out in Appendix 8.
- **BH11 and 12.** These Policy objectives relate to maintaining character and setting of PS in ACA
- **Maintaining and Enhancing Special Character:** It is the policy of the Council to protect structures and curtilages included in the RPS or historic structures within ACA, from any works which would visually or physically detract from the special character of the main structure, any structures within the curtilage, or the streetscape or landscape setting of the ACA.

5.2.5. **Site specific:** Site forms part of a 1-hectare Regeneration and Opportunity Site: Of particular relevance is the site-specific objectives capturing all these objectives:

- **OPS28 states**
  - Development on this key city centre site should provide strong architectural design.
  - Create a sustainable and compact urban quarter through a mixed-use high-density development with an emphasis on tourism, employment, retail, apartments and residential city living.
  - It will be vital that pedestrian and cycle links from Yellow Road to Morgan St are incorporated into the design of any proposed development; Adjoining private amenity spaces of neighbouring residential properties should be protected through the design and layout of any proposal.
  - The development should address the extensive street frontage along Morgan St. and be designed to an exceptional standard.
  - The site has potential to accommodate taller building(s).

5.2.6. **Other area based:**

- Ballybricken Green and approach routes are subject of proposed Active and/Public transport

- It is outside the delineated Core Retail shopping areas
- Zones of Notification - Sites and Monuments Record (SMR) including Record of Monuments and Places (RMP): Zone of Notification R134132 (WCCC dataset)
- Table 3.2 lists opportunity site and highlight potential site suitable for tall building – 5 storeys. the subject site OPS28 is excluded from this.
- Section 3.3 states It is also recognised that there are other areas within the City with distinct identities which function as neighbourhoods, as distinct from the planning concept, meaning of the term. Examples would include Ballybricken and the "upper town" area, city centre, Newtown and Poleberry. Such areas form part of the existing fabric and character of the city and infill development in these areas will be required to generally conform to the essential characteristics of the locality.
- The Green is a significant amenity in the city (section 3.8)

## 6.0 EIA Screening and WFD Screening

### 6.1. EIA Screening

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

### 6.2. Water Framework Directive Screening

- 6.2.1. The site is an urban serviced site with low density development and used for retailing activities. There is no watercourse on site and it is not in a Flood Risk zone. The underlying Groundwater body Waterford IE\_SE\_G\_149 is good status and not at risk. The River Suir is identified as a Transitional Waterbody IE\_SE\_100\_0550 Middle Suir Estuary with a Moderate Status. (WFD Status 2016-2021).

6.2.2. Having assessed the proposed development and 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 and having further considered the nature, scale and location of the project, I consider that the proposal can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

6.2.3. The reason for this conclusion is as follows:

- the urban nature of both the former use and 100% hard-surfaced area and proposed mixed use development on a designated regeneration site in an urban serviced area
- the distance from the nearest water bodies and the lack of hydrological connections

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

## **7.0 Conservation**

### **7.1. Natural Heritage Designations**

7.1.1. The nearest site is Special Area of Conservation: Lower River Suir SAC site code 002137 c 400m to the north.

### **7.2. Built Heritage – National Inventory of Architectural Heritage**

7.2.1. In the order of 19 structures/features on the north and southern side of the Green are include in the National Inventory of Architectural Heritage. None are included in the western side. A mid-terraced house in Clashrea Place is included as are a number of terraced properties on the southern side of Morgan St west of the Grace's Lane.

7.2.2. No11 Clashrea place is in the NBHS/ NIAH with a regional rating -being in an architectural category of interest. This house is described as built as one of a group

of eighteen houses, in an attractive small-scale composition that retains its original form and character, together with important salient features and materials. The house, together with the remainder of the terrace (22501686/WD-5632-21-704), forms an attractive streetscape, following the topography of the area in the stepped profile of the roofline.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

8.1.1. The applicant has submitted an appeal based on the following grounds:

- DFOD Consultant engineers. The application has been designed by firm of architects with grade 3 conservation accreditation following consultation with the planning authority. The design was modified to address height concerns, and it is submitted the views expressed by the architects division were a surprise and disputes to an extent. As it is only an opinion the case is made the merits of proposed scheme are appropriate and should be granted.
- Architects Statement: sets out design approach in consultation with planners of Waterford City and County council to ensure alignment with planning objective and this resulted in a contemporary approach. Initial design involved 3-6 storeys in height and agreed that design should not replicate traditional small town architecture
- Disputes WCCC architect on basis that modern intervention often makes a strong architectural statement and does not to replicate scale, height or massing of older buildings. Cities would struggle to attract people to live if this were the approach.
- Not given opportunity to address and illustrates a further redesign as in image. (It illustrates use of colour to break facade into three vertical components)
- Drawing 'Area plans' submitted a FI shows floor layout of roof level Fig 2 is a photomontage of before and after FI of Block A
- Disputes that design fails to address active frontage on Morgan Street. The design includes display windows and provides for commercial/retail uses
- The 4 storey Block C revision from 5 is an appropriate balance between high density while minimising visual impact – 3 storey is underutilisation of the site.

- The revised design was assessed in the AHIA.
- Building Height guidelines are cited and it is stated that section 3.2 supports the overall intent of the document [this I read as support the proposed design approach in the AHIA.]
- The concerns of the PA are acknowledged re impact of C on Clashrea and Morgan Street. In response, an overshadowing study was prepared by consultants in line with EN17037 and BRE Guidance 209 (1022 edition). This was updated to reflect reduced height. The relationship with Building C and surrounding property is improved.
- The set back of Block B top floor from Morgan Street allows more daylight to properties. The one bed units are increased at ground level to compensate for reduced upper-level space
- The orientation of the site lying on a northern slope means already restricted winter daylight. design minimises adverse impact while avoiding ongoing underutilisation. It is a high-quality and context sensitive development.
- Privacy is addressed by privacy screen and 'screenshots' illustrate these. A separate drawing sent after the FI provides additional details. 'Attachments A and B'
- No objection to condition to protect privacy of no. 9 Clashrea Place as noted in planning report.
- Regarding 2 bed 3 person units at 66.6sqm, this is requested to be considered as part of overall design otherwise they could be changed to one bed units which would however be less than deal in terms of providing for families /flexible accommodation.
- No further comments to make regarding items 7-12 of FI issues.
- Boundary details are illustrated in several 3D images and can be dealt with by condition. As noted in PA report.
- The existing building has no historical or architectural merit
- The ground floor retail will be maintained
- The conservation officer did not request a redesign.
- Fail to see how development conflicts with BH05 in this context.
- Policy H20 regarding the aim of protection of residential amenity this policy refers to suburban infill sites whereas the subject site is a city centre site.

- The proposed development will positively contribute to the area.

## 8.2. **Planning Authority Response**

No further comments to those already made in the previously forwarded planner's report.

## 8.3. **Observations**

None

## 9.0 **Assessment**

9.1. This case relates to an urban infill type development in city environs in an Architectural Conservation Area. The proposal was informed by a pre-planning meeting but further amended to take account of the concerns raised in the request for further information and these drawings are appended to the appeal. Having examined the application details and all documentation on file, including the submissions received in relation to the appeal, the reports 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 planning issues in this appeal to be considered are as listed:

- Principle of high-density housing
- Height and Design in an ACA
- Residential Amenity
  - Overlooking
  - Overshadowing
  - Visual impact

## 9.2. **Principle**

9.2.1. At a strategic level the proposal to introduce high density housing as part of a mixed used scheme inherently accords with national policy objectives for locating new homes within the urban footprint of city environs where access to services, amenities and employment areas are readily available and accessible in a sustainable manner.

It more specifically aligns with National Planning Framework NPOs 4, 16 and 45 which include Waterford City as a growth area for housing and employment and identify its role in accommodating 40% of new housing as part its population expansion which is envisaged as being in the order of 28000 by the year 2040. The mix of uses further align with achieving sustainable uses and accessibility as advocated in NPO 38. This is supported at local level in the Waterford City and County Development Plan 2022-2028 (CPD) in which the site is specifically identified as part of an urban regeneration site in the 'town core' area of the city.

9.2.2. In terms of density, the Compact Settlement Guidelines as mandated by the NPF in its Strategic objective for compact urban form, provide guidance on achievable levels of density for urban areas. Given the location within the city environs, the site potentially can be considered for density ranges of up to 250dph. The overall density in this case is in the order of 189 units but when taking account of the net density by deducting the commercial floor area, this places the density over 200dph. As the site adjoins a residential zone at multiple points such as the established terraced housing to the south at Clashrea Place and housing along Morgan Street adjacent and opposite the site in addition to the apartment scheme at the corner of Morgan Street and Graces Lane, I consider these urban neighbourhood environs dictate a lower density for better assimilation. Such consideration is appropriate particularly given the emphasis in the Compact Settlement Guidelines on the importance of impact on surrounding development and this juxtaposition with residential zoning. While the applicant is correct in identifying the town core zoning for the site and that the specific wording of the development plan objective H20 refers to suburban I consider the underlying issue of impact on residential development is valid in the context of the compact settlement guideline, the adjacent RS residential zoning and that achievement of the upper density levels should not override amenity considerations. In this context I do not consider the degree of the adverse impacts on residential amenity is warranted.

9.2.3. In terms of overall standards, the proposal incorporates 45 units with 22 one-bed units. While this complies with the SPPR1 and 2 of the Apartment Guidelines (2024) in terms of the number of one bed units not exceeding than 50%, if the substandard two-bedroom units of 66sq.m units were to be revised to one bed units, this would alter the ratio. I do however accept that this could be modified by design and does

not constitute grounds for refusal. Moreover, I do not consider the overall scale of development is appropriate to the size and its immediate context being adjacent to established residences.

- 9.2.4. The issue of height is addressed in more detail. While the delivery of much needed housing in the area is desirable, the delivery of such is required to be of a high standard to ensure a high standard for quality of life for residents as well as environmental and sustainable housing and planning making. The National Planning Framework places emphasis on integrated design excellence and a key principle is to tailor the scale and nature of future of housing to the settlement context.
- 9.2.5. With respect to the demolition works, I see no issue given the overall building condition and absence of any significant architectural merit of the structures while also having regard to local, regional and national level policies regarding intensification of use and density in serviced brownfield sites in urban areas. Accordingly, the retention of the buildings is not warranted and demolition is I consider, acceptable.

### **9.3. Height and Design in an Architectural Conservation Area**

- 9.3.1. The key design issue relates to the massing and four to five storey height and the interface with surrounding development and having regard to the detailed criteria of CDP heritage-based objectives while being in accordance with the policies in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (Compact Settlement Guidelines).
- 9.3.2. In in the pre-application meeting the planning authority (PA) provided guidance on the form of development in addition to standard development control criteria for housing. the PA, I note advised that a 3-4 storey height with suitable transition and/or setback between development and Clashrea Place and Graces Lane would be appropriate. Notwithstanding, the proposal as initially presented included 5 storey development. The amended height as submitted in further information (FI) was considered to be unacceptable by the PA architect in that it was considered to 'completely alter the composition and character of this terrace in contrast to the current building which replaces number of earlier structures on the site and has respected the height of the terrace and scale of surroundings.' While the application

was revised to four storeys, I note that due to the retention of the ground floor level for the entire width and depth of Block A and due to a considerable fall in ground level along the site frontage, the proposed elevation incorporates a sub-ground level. The building at this point effectively reads more than four levels in height as viewed from Morgan Street. This is in marked contrast to the partly single storey terraces along Morgan Street.

9.3.3. The key CDP criteria for assessment are framed by the development aims under OPS28<sup>1</sup> which targets the site for regeneration and vitality and also BH05 which seeks to protect the architectural heritage by respecting the character. Interpretation of this is the subject of considerable dispute in this case.

9.3.4. The applicant makes the case that 3 storeys constitute underutilisation. The accompanying design statement emphasises that context and opportunity for the nature and scale of development proposed is justified by reference to the regeneration status of the site and the CDP aims in this regard for sustainable compact urban development thereby presenting an opportunity for the level of dense development as proposed. This I accept is potentially supported in various guidances for taller buildings. I note however the CDP has provided for taller buildings in the city environs but has excluded the subject from this. Out of an extensive list of potential development sites including the tract of land pertaining to

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<sup>1</sup> • Development on this key city centre site should provide strong architectural design.

- Create a sustainable and compact urban quarter through a mixed-use high-density development with an emphasis on tourism, employment, retail, apartments and residential city living.

- It will be vital that pedestrian and cycle links from Yellow Road to Morgan St are incorporated into the design of any proposed development; Adjoining private amenity spaces of neighbouring residential properties should be protected through the design and layout of any proposal.

- The development should address the extensive street frontage along Morgan St. and be designed to an exceptional standard.

- The site has potential to accommodate taller building(s).

the site (OPS28), other specific sites are identified for 5 storeys or more in table 3.2 of the written statement.

- 9.3.5. In terms of the heritage context, the applicant emphasises the competency of the architect and the consultation process wherein advance warning of architectural concerns was not apparent. The heritage report illustrates the history of the area and plot formation through maps from the 1700s and photographs from 1933 and from the 1970s when the site was occupied by a car showroom and subsequently extended along the Green. The building form appears to have evolved from a large institutional (dog pound) to small scaled terraced plots in the 1900s before being amalgamated into a large block. The report cites the CDP and good conservation practice such as respecting but not mimicking the key architectural features.
- 9.3.6. In this case, while the existing buildings are modern and lack historic value, the proposal development significantly increases the massing, height and scale of the existing premises and considerably beyond the preexisting terraced scale – a format from which the current intrinsic ACA character of the area is derived. I refer for example to the type and character of buildings in the area that are in the RPS and the NIAH. The report accurately describes the character as varying from single to three storeys 19<sup>th</sup> and 20<sup>th</sup> terraces with key features including natural slate roof, sash window and detailing such as a limestone steps and flagstones. However, in my judgment, the design of Block A which fronts Ballybricken Green, disregards how the surrounding terraces with narrow plots allow for stepping in height respecting the natural terrain and the traditional scale. Accordingly, I do not wholly agree that the proposal respects the architectural characteristics of the setting. In the proposed case, while a third storey and additional recessed roof is permissible, the horizontal massing as articulated by floor levels and fenestration and most obviously the parapet and roof level which extends across multiple plots while also disregarding the sloped terrain. This will introduce a visually incongruous and overly dominant feature in the streetscape. While obvious at street level, the visibility across Ballybricken Green and surrounding terraces which includes protected structures and historic building would be incongruous with historic plot format and grain from which the intrinsic character is derived. While I concur that replication and pastiche does not constitute appropriate design nor do I consider the form as is proposed

constitutes design excellence. I refer to the Architectural Heritage Guidelines for Planning Authorities 2011 which give insight into elements of the ACA and its role in urban design in section 3 and also to the approach in designing for new buildings.

9.3.7. While I note in response to planning concerns, the architects introduced a stepped arrangement on Block A's front façade by removing two of the top apartments, I do not consider this sufficiently addresses the horizontal massing. It is also rationalised how the corner design articulates the intersection of Ballybricken Road and Morgan Street while retaining ground-floor retail units that are essential to the area's urban vitality. However, as the span of the Block across multiple plots extends considerable beyond the original corner plot and at a scale considerably larger than other key buildings around the Green it is I consider more likely to visually jar with the surrounding townscape around the Green. This concern is further expressed by the PA Architect who is of the opinion that the design 'Fails to consider balance with the other opposing corner building on Morgan Street.' In respect of Morgan Street, I also consider the elevated four storey block at the levels proposed would be overly dominant along this streetscape which is residential and domestically scaled, the character of which would be adversely impacted. This is aggravated by the orientation and overshadowing along the street. With respect to Block B the height of the proposed gable end which extends from lower ground to roof top against a two-storey dwelling is an abrupt transition and needs to be revisited. While I accept the positive elements of the reinforcement of the streetscape by the Block B frontage and potential placemaking, I concur with the PA concerns about the storage use and what would amount to dead frontage contrary to the aim of the OPS28 to achieve vitality. As this could be addressed by a condition requiring retail type use or residential use, I do not consider this a reason for refusal.

9.3.8. Ultimately, I consider the stepping of floor levels is likely to be required to provide for modelling flexibility compatible with protecting the overall streetscape character. I see no issue with a modern interpretation of this. While I accept the proposed mixed-use accords with OPS28 in terms of land uses, the design needs to be revisited in the context of the ACA as I do not consider Block A in particular meets with the design criteria for an ACA. The proposal as varied would I consider detract from the special character of the area

9.3.9. Furthermore, in a broader context the visually incongruity along a streetscape around an urban ‘square’ where there are a significant number of historic buildings as referred to in section 7.2 of this report also conflicts with policy BH12 which seeks to protect settings and Vistas whereby ‘it is the policy of the Council to ensure the protection of the settings and vistas of Protected Structures, and historic buildings within and adjacent to ACAs from any works which would result in the loss or damage to their special character’.

9.3.10. While the proposal is predominantly 4 storeys and the site is stated to have capacity for taller building the increase in the prevailing height by three storeys is a significant increase height to warrant a performance appraisal. I have referred to the Compact Settlement Guidelines which provide a framework for qualitative sustainable land use appraisal and also have had regard to the Urban Development and Building Height Guidelines. The table below summarises what I consider to be key considerations based on the performance criteria.

<b>Criteria For All Such Proposals</b>	<b>Assessment</b>
<b>Sustainable and Efficient Movement</b> <b>At County Level</b>	
Does proposal assist in securing objectives of the NPF, in terms of focusing development in key urban centres, fulfilling targets in relation to brownfield, infill development and delivering compact growth?	The site is identified as a regeneration site in the town core where it is close to the local services and amenities of the city and urban neighbourhood. The increased density constitutes an efficient use of a serviced brownfield site thereby contributing to a compact and potentially sustainable form of urban growth.
Is the site well served by public transport?	The site is very accessible although details of public transport frequency are not provided. The frontage is along an active travel route and the site is within walking distance from an extensive range of local services

	including a range of schools, childcare and community care in addition to services and amenities and neighbourhood shops while also being connected to higher order services in the city.
<p>Proposal must successfully integrate into enhance the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks.</p> <p>Does it make a positive contribution to placemaking incorporating new streets and public spaces using massing and height to achieve density in but with sufficient variety and scale and form to respond to the scale of the adjoining development and create visual interest in the streetscape</p>	The design fails to successfully integrate in this ACA alongside established residential development as set out above.
<p><b>At District / Neighbourhood / Street Level</b></p>	
Does Proposal respond to its overall natural and built environment and make a positive contribution to the	The design fails to successfully integrate in this ACA alongside established residential development as set out above.

<p>urban neighbourhood and streetscape.</p>	<p>The proposal will reduce hard surfacing by introducing landscaping although permeable surfacing is not quantified and there no details about biodiversity to appraise this in detail.</p> <p>The site has three access points and avails of its frontage. It does not provide for through access to Yellow Road (OPS28) which would require breaking through the boundary wall with Clashrea Place. There is no information on this.</p>
<p>Not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered</p>	<p>The use of three blocks creating perimeter frontage is a positive element however the detailed design as it relates to the slope and grain is addressed in detail in design appraisal.</p> <p>The Life Cycle Report refers to basic materials with low maintenance.</p>
<p>Enhances the urban design context for public spaces and key thoroughfares</p>	<p>The proposal provides for wider footpath along Morgan Street which will enhance Active Travel plans for this route. Otherwise, the impact on the ACA is addressed in forgoing design appraisal.</p>
<p>Makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner</p>	<p>The use of three blocks creating perimeter frontage is a positive element however the detailed design as it relates to the slope and grain and active frontage is addressed in detail in the forgoing design appraisal.</p>
<p>Does it positively contribute to the mix of uses and/ or building/ dwelling typologies</p>	<p>The proposal replaces a single retail warehouse use with mixed uses in a town core zone and comprises mainly residential use adjacent to both commercial and residential</p>

<p>available in the neighbourhood?</p>	<p>development in residential zoned lands and is an appropriate use.</p> <p>As the proposal is less than 50 units the mix of predominantly one- and two-bedroom units is appropriate. The area has two storey housing in close proximity and this provides a balance. Provision has been made for social housing units within the development in accordance with Part V.</p> <p>This contributes to a diverse and varied range of housing types in the area.</p> <p>The height and design are not appropriate to the ACA or domestic scale of surrounding building typologies.</p> <p>No provision is made for archaeological investigation preservation.</p> <p>The surrounding civic lands provide amenity as will the active travel routes.</p> <p>Other than an attenuation tank and unspecified surfaces, the proposal lacks evidence of meaningful SUDS nature-based solutions for the management of urban drainage to promote biodiversity, urban greening, and improved water quality. Although on balance it is an improvement.</p>
<p><b>At the scale of the site/building</b></p>	
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural</p>	<p>The scheme is arranged so that 23 of the 45 units have dual aspect</p> <p>The Daylight and Sunlight and Overshadowing Report includes data on a comprehensive range metrics illustrating that the proposed scheme is substantially compliant with BRE guidelines.</p>

<p>daylight, ventilation and views and minimise overshadowing and loss of light</p>	
<p>Appropriate regard to Daylight and sunlight standards clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution</p>	<p>.As above  Loss of VSC and overshadowing identified for existing as discussed in below.  As a constrained infill site in a sensitive architectural conservation area in close proximity to established residences, there are overriding constraints in achieving the appropriate streetscape.</p>
<p><b><i>Responsive Built Form</i></b></p> <p>While the reinforcement of stronger build line supports the formation of a coherent and legible urban structure in terms strengthening a block layout with access to daylight and sunlight, the overall scheme is excessive for the site in an ACA for reasons set out in my forgoing assessment.</p>	

The transition to adjacent terraces and residential development in single and two storey terraces is not considered to appropriately respond to the context.	
Proposal must show use of high quality, well considered materials.	The use of material is premature pending a redesign.
Proposal must make a positive contribution to the improvement of legibility through the site or wider urban area. Where the building meets the street, public realm should be improved.	Legibility through the site could be achieved by of a comprehensive landscape plan integrated with the permeable connections through the site as potentially provided with the multiple access points.
Proposal must positively contribute to the mix of uses and /or building/dwelling typologies available in the area.	Given the scale of the site and mix of uses in the vicinity, the apartments will provide balance to the mix and contribute positively to dwelling typologies in the area. The residential unit mix of units proposed is acceptable for this scale of development.
Proposal should provide an appropriate level of enclosure of streets or spaces.	The proposed block layout provides enclosure but further details of entrance and fencing materials is needed.
Proposal should be of an urban grain that allows meaningful human contact between all levels of buildings and the street or spaces.	The site has limited active frontage for the commercial units. Access is from the Green. The proposed storage units fronting Morgan Street are unlikely to generate active street frontage of meaningful quality.
Proposal must make a positive contribution to the	While the proposal represents a significant transformation of the underutilised brownfield vacant site and introduces

character and identity of the neighbourhood.	houses to the site and in a neighbourhood environment the building design fails to appropriately integrate with its urban context in an ACA. It will have adverse impact on residential amenity.
Proposals must respect the form of buildings and landscape around the sites edges and the amenity enjoyed by neighbouring properties.	This is not achieved as discussed.
<b>At Site/Building Scale</b>	
Proposed design should maximise access to natural daylight, ventilation and views and minimise overshadowing	Dual aspect is used to good effect. The Daylight and Sunlight Assessment Report illustrates impact on existing adjacent properties.
Proposal should demonstrate how it complies with quantitative performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition). Where a proposal does not meet all the requirements, this must be clearly identified and the rationale for any alternative, compensatory design solutions must be set out.	Not fully ascertained.
Proposal should ensure no significant adverse impact	This issue is discussed in further detail below.

<p>on adjoining properties by way of overlooking overbearing and/or overshadowing.</p>	
<p>Proposal should not negatively impact on an Architectural Conservation Area (ACA) or the setting of a protected structure</p>	<p>The proposal fails to comply with these criteria.</p>
<p>Proposals must demonstrate regard to the relative energy cost of and expected embodied and operational carbon emissions over the lifetime of the development. Proposals must demonstrate maximum energy efficiency to align with climate policy. Building height must have regard to the relative energy cost of and expected embodied carbon emissions over the lifetime of the development</p>	<p>The Lifecycle report sets out residual impacts of the proposed development construction and operations in relation to material, energy efficiencies . While positives are set out and in many respect adhere to the principles of the Government’s ‘National Climate Change Policy’, GHG emissions are not quantified.</p>
<p><b>County Specific Criteria</b></p>	
<p>Additional specific requirements (Applications are advised that requirement for same should be teased out at pre planning’s stage).</p>	<p>Concern about sewer network – this has been addressed.</p>

<p>Specific assessments such as assessment of microclimatic impacts such as down draft.</p>	<p>The proposal is not of a scale to generate significant microclimatic impacts such as down drafts.</p>
<p>Other considerations</p> <p>Assessment that the proposals allows for the retention of telecommunications channels, such as microwave links.</p>	<p>Development of this height in the vicinity is unlikely to interfere with such channels or links.</p> <p>Telecommunications/guidelines (1996) is that such infrastructure should not be sited within close proximity to a school - 'only as a last resort'. Given the proximity to a large childcare facility, the location is not ideal for such infrastructure. I therefore consider it reasonable to conclude that development is unlikely to impact any telecommunications channels and therefore no mitigation measures are required.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>As above, I do not consider the heights and the scale of develop in this urban context to be likely to interfere with safe air navigation space.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA schedule information if required AA and Ecological Impact Assessment, as appropriate.</p>	<p>AA Screening and Environmental Impact Assessment Screening have also been carried out as part of the appeal as set out in the Appended Forms to this report. No issues arise that are relevant considerations.</p>
<p>Proposal should make a positive contribution to place making, incorporating new streets where appropriate, using massing and height to achieve densities but with variety and scale and form to respond to scale of adjoining development.</p>	<p>The proposed massing and height of the scheme is appraised in detail. While some positive elements, it is not considered on balance to make a positive contribution in its response to the local environs.</p>

9.3.11. Having regard to the performance-based criteria as set out above I remain of the considered opinion that the proposed height due to scale and massing and interface with adjacent properties, is excessive due to the design-based criteria for taller buildings.

#### 9.4. **Residential Amenity: Overlooking, Overshadowing and Visual impact**

9.4.1. The PA is concerned about the direct impacts of the development on the amenities of the adjacent residential development and particularly Clashrea Place. Aside from the residential zoning of this area, OPS 28 requires that a 'adjoining private amenity spaces of neighbouring residential properties should be protected through the design and layout of any proposal on the subject site'. It is also relevant to consider other sensitive occupiers of adjacent properties such as the creche facility.

##### **Overlooking/loss of privacy**

9.4.2. SPPR-1 of the sustainable Residential Development and Compact Settlement Guidelines for planning authorities (2024) requires maintenance of a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces

9.4.3. In this case Block C is adjacent to the gable end of an end of terrace dwelling and the boundary wall which terminates the cul-de-sac at Clashrea Place. The terraced houses front each side of the road and open directly onto it. One end of terrace side window faces onto Graces Lane and will have a 90<sup>0</sup> angle with the western façade of Block which has corner balconies. The terrace façades will be at right angles to the southern elevation. There are little or no rear yards in this terrace and so the road provides amenity space in lieu of the curtilage. Accordingly, any adverse impact on the road from which the main amenity is derived would have a significant adverse impact.

- 9.4.4. Block C is four storeys in height and incorporates south facing apartments on the 3 upper floors at a distance in the range of 2-5m from Clashrea Place. While overlooking is proposed to be screened, the orientation is likely to encourage balcony use and open windows. It is likely that an effective screen would either negate its aspect and not entirely block views at such distances of less than 5m. Also, while overlooking may be restricted, other considerations are noise and privacy through open windows and overbearing impact given the proximity to the cul-de sac and the span and height of Block C.
- 9.4.5. In the case of impact on the single storey terraces on the opposite side of Morgan Street, having regard to the very public realm of the façade I do not consider overlooking to be reasonable grounds for objection.
- 9.4.6. There is concern about overlooking of the creche play area. Given the tight urban context of this hinterland use. It is not practical, reasonable or in accordance with guidance to prevent overlooking of such outdoor space.

### **Daylight Sunlight and Overshadowing**

- 9.4.7. The Daylight, Sunlight and Overshadowing Report includes data on a comprehensive range of metrics illustrating that the proposed scheme is substantially compliant with BRE guidelines. This was prepared by Integrated Environmental Solutions in line with EN17037/BS EN17037 and BRE Guide 209 2022 to specifically address impact on adjacent residential properties. The study notably calculates Visual Sky Component (VSC) and also maps overshadowing for Morgan Street to the east, Ballybricken to the North and Clashrea Place to the west which are demonstrated to be noticeably impacted.
- 9.4.8. In terms of VSC most have a value of 27% or 0.8 times the former value (comparing before and after). A number of houses along the north side of Morgan Street will lose the most VSC and but will still have adequate access to daylight at an acceptable range as VSC values will be from 15% and 27.
- 9.4.9. The greatest impact is on the south facing windows in Morgan Street properties on both sides of the street. Combined with the overshadowing whereby Morgan Street north side will have additional shade on 21<sup>st</sup> March from 10-18:00 it is clear that these dwellings will experience a loss of amenity and be presented with a gloomy

aspect. The stepping down of Block B in line with fall in ground level would provide for some mitigation in this regard.

- 9.4.10. The apartments in Morgan Street South adjoining the site would experience more of an impact from Block C which is effectively two storeys higher than the 3 storey apartment block due to ground level differences. With combined effect of Block B despite it set back from Morgan Street North, will have additional shading on 21<sup>st</sup> March at 8:00-16:00 which is considerable duration. The VSC will be to a range of 25%, 69%, 80% and 91% and will bring level from 31.79 and 34.62 to 21.79 and 31.54 in the top floor south facing windows This coupled with diminished sunlight will have notable impact on the residential amenity.
- 9.4.11. While the applicant argues that the overshadowing study influenced the lowering of Block C to improve its relationship as indicated in the shadow study, it remains a substantial block at this elevated point when compared with the established housing. The improves daylight to Morgan Street north side and set back of the roof level of Block B and the le is argued to be reasonable and the level of overshadowing is justified on the basis of benefits of developing an urban site. This flexibility is I note provide for in the guidance.
- 9.4.12. The applicant highlights that lower-level units have existing diminished VSC anyway and the bathroom and bedroom nature of use of the windows together with the already low natural light level indicates a insignificant impact.
- 9.4.13. In conclusion, while the apartment blocks with their obvious presence considerably alter the immediate environs, it is the impacts on daylight and sunlight and loss of VSC and overall gloomy aspect that will more directly impact on individual properties and should be kept to a minimum. As a single level property, I accept that loss of daylight is difficult to avoid by developing a streetscape due south and agree that even 2 storey development would have an noticeable adverse impact on ground level units in close proximity. I consider the impact in this case could be more justified if the overall massing and design was more in keeping the scale and articulation of the local character and that the impact on residential amenity in this residential zone is not in accordance with proper planning and sustainable development.

9.4.14. In terms of impact on Clashrea Place While I accept that overlooking from opposing windows can be blocked and minimised, but this does not overcome the issue of proximity. In this context the proposed development would have adverse impact on the amenities of property in the vicinity.

## 9.5. Other design standards

9.5.1. In terms of design standards of the proposed apartments for future occupants, I note that the planning authority has appraised standards such as floor areas, open spaces, dual aspect and facilities serving the units such as storage and bicycle parking and that these internal aspects are substantially compliant.

### Traffic and Parking

9.5.2. The proposed development does not provide for any car parking which is provided for in the CDP criteria and Compact Settlement Guidelines which require in SPPR 3 that car parking in the 5 cities ‘..should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced’. While no parking can be appropriate for city locations with good access, given the scale of development I would have some reservations about the complete absence of vehicular access such as for setting down, visitors, maintenance and car rental. Provision for such should be integrated into the layout and take account of levels on this sloping site. The observations on file indicate that on-street parking is very limited around the Green and also the garage/builders businesses along Graces Lane are likely to generate large vehicles along Grace’s Lane for ancillary parking as I noted during my site inspection around 9-10am on a Friday when car parking was limited and there was a constant flow of traffic around the one-way Green . While the site is strategically located for active travel routes these remain at planning stage and public transport is limited. Given the extensive road frontage which includes a location outside the ACA, provision of such basic vehicular parking could be provided without compromising prominent streetscape frontage.

9.5.3. Accordingly, I consider the layout and complete absence of ancillary car parking to be unwarranted and potentially give rise to haphazard parking thereby posing a risk to traffic safety. As this is a new issue, further submissions may be required but in view of the substantive reason for refusal I do not consider this step to be warranted.

### **Archaeology**

9.5.4. The DAU sought an archaeological impact assessment as further information prior to a grant of permission. The planning authority did not seek this. This would appear to be based on the urban nature of the site. The revised AHIA traces the history of previous plots and developments within the site. There is however a case to be made that original modestly scaled housing and subsequent car park and yard areas would have relatively undisturbed subsurface and that potentially deep foundation excavation could encounter material of interest. While I note the conditions in the subsequent report in the event of permission this should I consider be addressed by the provision of further details. Further submission may be required but in view of the substantive reason for refusal I do not consider this step to be warranted

## **10.0 AA Screening**

10.1. An AA Screening exercise has been completed. See Appendix 3 of this report for further details.

10.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

10.3. This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;

- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of likely impacts, which would not affect the conservation objectives of any European Sites.

10.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## 11.0 Recommendation

Having considered the grounds of appeal and the responses thereto, it is my recommendation based on my assessment of the proposal, the site and all submissions and observations that the proposed development, in the context of the relevant provisions of the Development Plan and national policy and guidance, be REFUSED permission for the following reasons.

### Reasons

1. Having regard to the existing character and the prevailing pattern of development, the location and setting of the site, which is partially located within a designated Architectural Conservation Area (ACA), it is considered that the proposed development, by reason of its overall design, height and massing would be a discordant feature in the streetscape of Ballybricken Green, and Morgan Street in both prominent near views and mid-distant views from across Ballybricken Green, a key amenity area and public space surrounded by buildings of historic interest all within the ACA. The proposed development would, therefore, seriously detract from the setting of historic buildings (both included in the County Record of Protected Structures and the National Inventory of Architectural Heritage), and the architectural character of this designated area and would therefore negatively impact on the architectural heritage and visual amenities of the area. Accordingly, the proposed development would contravene Policy Objective BH05 of the Waterford City & County Development Plan 2022-2028 which seeks to preserve the special character and settings of Architectural Conservation Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development incorporating a four storey apartment block at a distance of 2m from the southern boundary would by reason of fenestration, topography and proximity to existing residences, be likely to give rise to undue loss of privacy and disturbance and have an overbearing impact and would therefore seriously injure residential amenities of properties in the vicinity of the site, in particular Clashrea Place. The proposed development would accordingly be contrary to Policy Objective OS28 in respect of adjoining private amenity spaces of neighbouring residential properties which should be protected through the design and layout of any proposal on the subject site and residential zoning for the adjacent land as contained in the Waterford City & County Development Plan 2022-2028, which seeks to protect the residential amenities of adjacent residential properties in terms of privacy and availability of daylight and sunlight. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Suzanne Kehely**  
**Senior Planning Inspector**  
**2<sup>nd</sup> October 2025**

## Appendix 1 - EIA Pre-Screening – Form 1

<b>An Bord Pleanála</b>	<b>ABP-322875 - 25</b>		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Demolition of Structures and construction of 45 apartments and commercial premises in 3 blocks with associated works.		
<b>Development Address</b>	18-21 Ballybricken Green, Waterford		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<b>X</b>	Class 10(b)(i) 'Construction of more than 500 dwellings units' 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	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	<b>X</b>	45 no residential units (as amended by FI) and 2 commercial ground floor unit all on a 'town core' site of 0.241 ha.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Appendix 2 - EIA Preliminary Examination – Form 2**

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>ABP-322875 - 25</b>	
<b>Proposed Development</b>	Demolition of Structures and construction of 45 apartments and commercial premises in 3 blocks with associated works.	
<b>Development Address</b>	18-21 Ballybricken Green, Waterford	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</b></p>		
<p><b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development involves demolition and redevelopment providing 45 no residential apartment units over 2 commercial/retail units in 3 x four-storey blocks and associated works on serviced zoned lands.</p> <p>The site is already developed and fully hard surfaced and the nature and scale of the proposed development is within this footprint while raising the height relative to the surrounding pattern of development. This reinforces the urban character – the aesthetics of which are assessed within the spatial planning considerations.</p> <p>Construction materials will be typical of an urban environment and any construction impacts would be local and temporary in nature and the implementation of a standard Construction Environmental Management Plan will satisfactorily address potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan.</p> <p>The site is not at risk of flooding.</p>	

	<p>There are no SEVESO/COMAH sites in the vicinity of this location.</p> <p>The site coverage of about 49% represents an intensification of building footprint but does not involve the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>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. Issues of amenity are addressed in the planning assessment.</p>
<p><b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within a designated protection area for a natural landscape, habitat or any species. The area is within an ACA but designated for regeneration. This design issues are addressed in the planning appraisal.</p> <p>Given the planning policy for the area, the proposed development is considered to be in accordance in principle of development with no likely significant environmental effects.</p> <p>An Archaeology assessment is likely to be required to address potential for the survival of buried archaeological remains at the site. It is likely that given the disturbed ground that disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, could be mitigated by a range of measures including the retention/protection of important features, further</p>

	<p>archaeological testing and monitoring, and the recording of archaeological remains.</p> <p>The site is not located within or directly adjacent to any Natura 2000 site i.e., Special Area of Conservation (SAC) or Special Protection Areas (SPA).</p> <p>The development will implement an attenuation system which will control surface water run-off.</p> <p>The site is served by a local urban road network the subject of planned active travel policies which would likely be available to future residents. This is enhanced by the provision of extensive, safe and accessible cycle parking. Vehicular traffic impact is anticipated to be negligible.</p> <p>Impacts on water quality will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.</p>	
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>	
<b>Conclusion</b>		
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>	<p><b>Yes or No</b></p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p><b>EIA is not required.</b></p>	<p><b>Yes</b></p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>Schedule 7A Information required to enable a Screening</p>	<p><b>No</b></p>

	Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 - AA Screening Determination

### Screening for Appropriate Assessment Screening Determination

#### 1. Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposal is for a redevelopment of a brownfield site in a serviced urban area. The site is occupied by retail warehouse with associated yard and car parking relate in low density two storey development. The development comprises 3 separate four storey blocks of substantially residential units. /These surround a central open space. Demolition works form part of the development. A detailed description is set out in Section 2 of this report.

**Foul Water Management** - Foul effluent discharge to the wastewater treatment plant at Shangannagh-Bray n which is licensed to discharge treated effluent by the EPA (license number D0034-01) and is managed by Irish Water.

**Surface / Storm Water** - A SuDs type surface water drainage system is proposed and is described as exemplary by the PA . It includes a range of measures at ground and roof levels and includes green and blue roofs, tree pits and filtering of pollutants. The ultimate discharge is to surface water sewer north of the site . Given the brownfield site and industrial use, a net improvement to surface water run-off characteristics is likely.

The SSFRA concludes that site is not at risk of flooding and there is no increased risk to any nearby properties.

**Water Supply** - Water supply for the development will be via a mains supply..

The site is not located within any Natura 2000 site (SAC or SPA) but is close to two such areas. There are no water courses within or adjacent to the site.

**Construction and Waste Management Plan** – Details of the construction phase as well as environmental pollution control measures are submitted with the application and will be reviewed and updated / revised as necessary throughout the construction phases.

**Baseline Ecology** –The site is fully developed urban site being entirely composed of buildings and artificial surfaces. The proposal includes a landscape plan which will improve biodiversity.

The site is not located within any Natura 2000 site (SAC or SPA).

There are no water courses, bodies of open water and given the established urban nature of the site there is little or no opportunity for habitats which could be considered significant for the above sites.

**Water Framework Directive** - The

The PA has carried out a pre-screening assessment by reference to Appropriate Assessment Guidance for Planning authorities (DoHGLG), NPWS data, AA Screening GIS and planning application documents.

## **2. Potential impact mechanisms from the project**

The potential for significant effects that may arise from the Proposed Development was considered through the use of key indicators:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density.
- Changes in water quality and resources.

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance.

There is potential for significant effects from the proposed development at construction and operational stage in respect of the following:

**Construction Phase**

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

**Operational Phase**

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plant

Having regard to the urban nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

**3. European Sites at risk**

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites.

In assessing the zone of influence of this project upon Natura 2000 sites the following factors must be considered:

- Potential impacts arising from the project
- The location and nature of Natura 2000 sites
- Pathways between the development and the Natura 2000 network

It has already been stated that the site is not located within or directly adjacent to any Natura 2000 site. Having regard to the central urban location and nature of development, the relevant Natura 2000 site within a potential range of impact is the following:

**Special Area of Conservation: Lower River Suir SAC site code 002137 c 400m to the north.**

**Qualifying Interests -**

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

*Taxus baccata* woods of the British Isles [91J0]

*Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]

*Austropotamobius pallipes* (White-clawed Crayfish) [1092]

*Petromyzon marinus* (Sea Lamprey) [1095]

*Lampetra planeri* (Brook Lamprey) [1096]

*Lampetra fluviatilis* (River Lamprey) [1099]

*Alosa fallax fallax* (Twite Shad) [1103]

*Salmo salar* (Salmon) [1106]

*Lutra lutra* (Otter) [1355]

**4. Likely significant effects on the European site(s) 'alone'**

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the following considers whether there is a likely significant effect 'alone' from the proposed development at construction and operational stage in respect of the following. These criteria are considered to satisfactorily capture the potential effects of the proposed development on European sites

- 1) Habitat loss or alteration
- 2) Habitat/species fragmentation
- 3) Disturbance and/or displacement of species
- 4) Changes in water quality and resources
- 5) Changes in population density

**Habitat Loss or Alteration** - The proposed development is not located within or immediately adjacent to any European sites. The intervening land in each case is occupied by the city urban area and artificial/highly modified habitats. Because of the distance separating the development site and this Natura 2000 site there is no pathway for loss or disturbance of habitats listed above or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites. Therefore, there is no potential for direct habitat loss or alteration to occur as a result of the construction or operation of the proposed development.

**Habitat Fragmentation** - As the Proposed Development does not have the potential to directly cause habitat loss or alteration, it likewise will not result in direct habitat fragmentation.

#### **Changes in Water Quality and Resource**

- 6) **Surface Water** – As the site is already predominantly composed of hard standing, there can be negligible impact to the quantity or quality of surface water run-off from the site. The site will be served by the public surface water sewer system. In addition, the proposed development incorporates measures to treat and attenuate surface water runoff to further reduce the already negligible potential for surface water impacts. No potential for impacts to water quality and resource exists for European sites from surface water runoff or drainage from the Proposed Development.
- 7) **Foul Water** - The proposed development will be served by a combined separate foul water and surface water sewer during its Operational Phase. The increase of the PE load at the facility as a result of the proposed development is

considered to be an insignificant increase in terms of the overall scale of the facility. Iúisce Eireann have indicated capacity.

**Disturbance and/or Displacement of Species** - No likely significant effects associated with disturbance or displacement of SCI species are likely to occur. There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location. Further the site of the proposed development does not provide any significant suitable ex-situ habitat for SCI species of any nearby SPAs and no likely significant effects associated with disturbance or displacement of SCI species are likely to occur.

**Changes to Population Density** - For the reasons outlined above, the proposed development does not have the capacity to cause any significant changes in the population density of any species within any European Site.

**Construction Phase** - The construction phase will be temporary. The development proposes a range of measures as outlined in the Construction and Waste Management Plan which includes an CEMP. As outlined above these mainly relate to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment above I would accept that the potential for significant surface water effects during the construction phase would be satisfactorily addressed by these measures.

**Operational Phase** - For the operational stage, the surface water drainage network has been designed as an improvement on the existing serviced site although provision for additional SuDs measures would be desirable as indicated by the PA in its request for FI. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion improved run-off control with interceptors.

Based on a source-pathway-receptor link it is reasonable to conclude that:

- Given the intervening urban area and distance between the site and the SAC, it is sufficient basis to exclude the possibility of significant effects on the SAC arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the site during Construction and Operational Phase; and increased human presence at the site during Construction and Operational Phase.

These measures are I consider 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 Preliminary Construction Management Plan 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. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

I therefore conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the Lower River Suir SAC.

### **5.Likely significant effects on the European site(s) 'in-combination with other plans and projects'**

Having regard to the foregoing, I consider that the potential for in-combination effects is limited to the cumulative impact of Surface / Storm Water Drainage and WWTP capacity associated with other developments in the area.

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 conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 **is not required**. No further assessment is required for the project.

## **6. Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the applicant's reports.
- The limited zone of influence of potential impacts.
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites.
- The limited potential for pathways to any European site; and
- The nature and extent of likely impacts, which would not affect the conservation objectives of any European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

**Appendix 4**  
**WFD IMPACT ASSESSMENT STAGE 1: SCREENING**

**Step 1: Nature of the Project, the Site and Locality**

<b>An Bord Pleanála ref. no.</b>	<b>ABP- 322875</b>	<b>Townland, address</b>	18-21 Ballybricken Green, Waterford
<b>Description of project</b>		Demolition of Structures and construction of 45 apartments and commercial premises in 3 blocks with associated works	
<b>Brief site description, relevant to WFD Screening</b>		The site is a brownfield serviced urban site with low density development and used for commercial activities.	
<b>Proposed surface water details</b>		Attenuation tank and permeable surface with treatment potential. Connected to sewer system	
<b>Proposed water supply source &amp; available capacity</b>		Public Water Mains	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		To foul sewer.	

Others Matters	Combined sewer
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**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature
The River Suir is identified as a Transitional Waterbody	Approx. 400m north	Middle Suir Estuary IE_SE_100_0550	Moderate (WFD Status 2016-2021).	Not at risk	No pressures in this catchment	None.
Groundwater	Underlying site	Waterford IE_SE_G_149	Good	Not at risk		None.

**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.**

<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Dust dispersion during earthworks	Middle Suir Estuary IE_SE_100_0550	Potential for airborne pathway / indirect impact	Surface water pollution minimal, if any		No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Soiled water contaminating run-off discharge to sewer	As above	Potential for hydrological pathway and indirect impact via surface water drains	None		No	Screened out  [See determination within Section 6 of report].
<b>DECOMMISSIONING PHASE</b>							

5.	N/A						
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