



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323010-25

<b>Development</b>	Construction of a discount food store supermarket with ancillary off-licence and all other associated site works. A Natura Impact Statement (NIS) accompanies this application.
<b>Location</b>	Carrickphierish Road (Bawndaw Townland), Gracedieu, Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2460416
<b>Applicant(s)</b>	Lidl Ireland GmbH
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Lidl Ireland GmbH
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> August 2025

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of 1.106 hectares is located on the northern side of the Carrickphierish Road at Gracedieu, approximately 2km northwest of Waterford city centre. The site is currently vacant and is overgrown with grass and scrub vegetation.
- 1.2. The site is surrounded by recently constructed residential development to the north, undeveloped lands to the west and Mount Suir residential and neighbourhood centre to the east. On the opposite side of Carrickphierish Road there is a large building comprising Carrickphierish Community Campus and adjoining school buildings. The southern boundary of the site is setback from Carrickphierish Road by a grass verge.
- 1.3. The site is elevated slightly above the level of Carrickphierish Road and the topography undulates down from North to South. There is a ditch along the western boundary which is overgrown.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises:
  - The construction of a part single part two storey Discount Foodstore (with ancillary off-licence use) with mono-pitch roof measuring c. 2,601 sqm gross floor space with a net retail sales area of c. 1,499 sqm
  - Construction of an access road from Carrickphierish Road serving the proposed development and facilitating the future development of adjoining lands and associated and ancillary works, and pedestrian access to the Foodstore site from Carrickphierish Road
  - Provision of associated car parking (including electric car charging facilities), cycle parking, free standing and building mounted signage, trolley bay cover / enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, hard and soft landscaping, boundary treatments, electricity sub-station building, works and connections to water supply, wastewater and surface water infrastructure and utilities, and all other associated and ancillary development and works above and below ground level.

- 2.2. Following a request for further information the proposal was revised to provide for the re-orientation of the proposed supermarket building, a revised gross floor area of 2,356 sq.m. with a sales area of 1,497 sq.m. and relocation of 80 proposed carparking spaces to the rear of the building. Vehicular access is proposed from a new access road off Carrickphierish Road to the west of the site.
- 2.3. The design of the proposed supermarket building is single-storey and incorporates a monopitch roof, which has an overall height on its southern elevation facing Carrickphierish Road of 8.375m at its southwestern end tapering to 5.675m at the southeastern end. The building has a maximum length of c.75m and width of c.33.5m.
- 2.4. The documents submitted with the application include a Retail Impact Statement and a Natura Impact Statement.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Waterford City and County Council (WCCC) issued notification of the decision to refuse planning permission by order dated 16/06/2025 for two reasons as follows:
1. Having regard to the location of the proposed development on a prominent site within the emerging Carrickphierish Neighbourhood, which is identified as a new neighbourhood in the Waterford City & County Development Plan 2022-2028, it is considered that, by reason of the design and layout of the proposed development and the poor relationship with, and the lack of defined urban edge addressing the Carrickphierish Road, with minimal contribution to the development of a new urban public realm, the proposed development would represent a substandard form of development creating a poor urban edge and streetscape to the Carrickphierish Neighbourhood. Furthermore, the proposed development would be contrary to Policy Objectives Place 02 and Place 05 of the Waterford City & County Development Plan, 2022-2028, which seek to ensure all developments are of a high quality design with a focus on placemaking, cognisant of their context and need for variety, distinctiveness, focus on public realm and design, and 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 is partially located on lands zoned for Existing Residential use as set out in the Waterford City & County Development Plan 2022-2028, where it is an objective to “provide for residential development and protect and improve residential amenity”. The proposed development of a food store / supermarket on such lands would materially conflict with Table 11.1 Land Use Zoning Objectives and Table 11.2 Zoning Matrix, Development Management Standards, Volume Two, of the Waterford City & County Development Plan 2022-2028, where such use is not permitted on residentially zoned lands. The proposed development would therefore materially contravene the policies and zoning objectives of the Waterford City & County Development Plan 2022-2028 and would thus be contrary to the proper planning and sustainable development of the area

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planners report dated 12<sup>th</sup> September 2024 can be summarised as follows:

- The scale of the proposed supermarket is appropriate to a neighbourhood centre and at below 1,500 sq.m net sales area is within the requirements of the Development Plan.
- The supermarket building should be re-orientated to address the Carrickpierish Road and provide an urban edge at this emerging neighbourhood and to comply with objectives of the designation of the site as a Regeneration and Opportunity Site (OPS 24).
- Architects Section, WCCC, provided written comments indicating no objections to the proposed development
- Elements of the proposed supermarket building, car parking and entrance are located on lands which are zoned as Existing Residential use where a supermarket is not permitted.

- The existing drain to the west of the site should be retained
- Revisions are required to omit underground attenuation tanks and address surface water by way of nature-based solutions.
- Further information is required in relation to the submission of an Archaeological Impact Assessment

Following a request for further information the Planners Report dated 16<sup>th</sup> June 2025 can be summarised as follows:

- The proposed building has been re-orientated and no part of the building or access road is now on residential zoned lands, however the majority of the car parking to serve the proposed store is still located on the residential zoned lands where Supermarkets are not permitted and would materially contravene the Development Plan. The proposal is not considered acceptable.
- The revised plans include for the customer entrance to the store being located to the north facing the car parking and the southern elevation facing onto the public street at Carrickphierish Road includes for a largely blank facade with high level windows, save for an element at the western end of the southern elevation where some glazing is proposed.
- The revised proposal does not achieve the requirement to address the Carrickphierish Road with an appropriate urban edge at this highly visible location in an emerging neighbourhood and as required in a specific objective in Opportunity Site OPS 24.
- Material finishes do not adequately address the public road.

### 3.2.2. Other Technical Reports

Roads Engineer: Following a request for further information no objection subject to condition requiring a special contribution of €250,000 to facilitate construction of a signal controlled junction.

Heritage Officer: Following a request for further information in relation to details of nature based design measures, retention of drainage ditch and adjacent 5m vegetated buffer, no objection subject to conditions.

Water Services Section: SuDS design should be considered

Environment Section: No objection subject to conditions.

### **3.3. Prescribed Bodies**

Department of Housing, Local Government and Heritage: Following a request for further information requiring the provision of an Archaeological Impact Assessment, no objections subject to conditions.

### **3.4. Third Party Observations**

One no. third party observation received from Nick Collins in relation to the initial application and in relation to the further information which can be summarised as follows:

- The proposal encroaches onto residentially zoned lands and materially contravenes the development plan and would negatively impact future development of these lands and remaining Regeneration zoned lands; the proposal does not meet objectives in the development plan for development of Carrickphierish Neighbourhood Centre; insufficient frontage to street edge; limited pedestrian connectivity to adjoining sites; fails to achieve objectives for the area relating to a mix of uses which the proposed development does not achieve; full Retail Impact Assessment required to assess retail impact.

## **4.0 Planning History**

- 4.1. The appeal site and surrounding lands have been the subject of a considerable planning history. The following planning applications of relevance are noted:

Appeal Site:

07/500355 permission granted for a large mixed use scheme at the site. The life of this permission was extended by planning reference 13/500057. This permission expired in 2018 and has not been implemented.

Lands to East:

05/500419: Permission granted for a mixed development in two blocks as follows; Block 1-3 storey (2 storey over carpark) apartment block with 18 apartments, Block 2 - 6 Storey varying to 4 storey block with 106 apartments and 8 Retail Units, Creche, Ancillary

Accommodation, Ground level carpark and 1st floor open space deck at Mount Suir. Extension of duration planning reference 17/646. This permission expired in 2021 and appears to have been completed.

## **5.0 Policy Context**

### **5.1. Waterford City and County Development Plan 2022-2028**

- 5.1.1. The appeal site is located within Waterford City Settlement Boundary. The majority of the application site is zoned 'RE - Regeneration' with the stated objective "Provide for enterprise and/ or residential led regeneration." The use type 'Retail Food (Supermarket)' is permitted in principle on this land use zone. The Plan states that permitted in principle uses are generally acceptable subject to compliance with the relevant policies, standards and requirements set out in the Plan. The northern portion of the site is zoned for 'Existing Residential', with the objective 'Provide for residential development and protect and improve residential amenity'. 'Retail Food (Supermarket)' is not permitted on this land use zone.
- 5.1.2. Chapter 3 refers to Waterford City and MASP wherein Table 3.2 lists Waterford City Potential Regeneration Sites and includes OPS24 Neighbourhood Centre Carricphierish with a site area of 7.29ha.
- 5.1.3. In Table 3.3 Waterford Retail Hierarchy identifies Carrickphierish as Tier 4 Local Shopping.
- 5.1.4. Section 5.1 and 5.2 and Policy Objectives DM 14 refer to Retail Development.
- 5.1.5. Chapter 7 includes the following in relation to Regeneration and Active Land Management: Regeneration Policy Objective H 05- To maximise the efficient use of existing infrastructure and services and promote a positive modal shift towards sustainable transport use, we will facilitate the sustainable, compact, sequential regeneration and redevelopment of urban areas through the appropriate development of identified key infill and brownfield sites as per Table 3.2 and Appendix 21 for a mix of uses appropriate to the location. To assist in this regard, we will carry out a viability assessment for key brownfield sites during the lifetime of the development plan with a view to assisting in delivery of regeneration projects. Development proposals which are not fully consistent with the provisions of the land



use zoning matrix (Volume 2 – DM Standards Table 11.2) will be considered on their own merits where it can be demonstrated that the proposed development is consistent with the ‘Vision’ for the site, and is in accordance with the proper planning and sustainable development of the area.

5.1.6. Chapter 8 Placemaking includes:

Policy Objective Place 02: Ensure that all development is of high quality design with a focus on placemaking consistent with NPO 2, 4, 6, 7 16, 18a, 18b, 26 and 27 of the NPF, and RPO 31 – Sustainable Place Framework, RPO 34 – Regeneration, Brownfield and Infill Development, Section 4.7 Placemaking for enterprise development, RPO 61 – Health Place Audit for Placemaking, RPO 176 – “10-minute City and Town Concepts” and Good Practice example 10-minute city and town neighbourhoods at Section 3.9 of the RSES

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

5.1.7. Appendix 4 sets out the Retail Strategy and refers to the development of a neighbourhood centre at Carrickphierish to cater for the convenience requirement over the plan period.

5.1.8. Appendix 21 refers to Regeneration and Opportunity Sites. The appeal site is located within a larger area designated OPS24-Neighbourhood Centre, Carrickphierish with a total area of 7.29ha. The vision for the lands is set out as follows:

- Development on this infill site should provide strong architectural design as a key landmark development for Carrickphierish Neighbourhood.
- Create a mixed use medium/ high-density development on both sites with an emphasis on community, neighbourhood scale retail uses, apartments and residential city living;
- Any development on this site must provide for adequate open space and facilitate the development of a walkway/ cycle route and green infrastructure links connecting the Carrickphierish Road with the IDA Industrial Estate to the south and surrounding residential developments.

- Provide a strong architectural response and be designed to an exceptional standard with a desirable street edge addressing the Carrickpherish Road;
- The site has potential to accommodate taller building(s).

5.1.9. The following Map based objectives are relevant to the site:

- On Carrickphierish Road fronting the site, the Development Plan Maps include Transport Objective: Proposed Active Travel & / or Public Transport.
- Specific Development Objective – WCDO22 Carrickphierish: The future development of lands bounded by the Carrickphierish Road, Knockhouse Road, Butterfield and Mount Suir Manor apartments will be informed by a masterplan for the entirety of the undeveloped lands to be prepared by the developer(s) in consultation with the planning authority.

## 5.2. Ministerial Guidelines

5.2.1. Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Development Management Guidelines for Planning Authorities, 2007, (DoEHLG).
- Retail Planning Guidelines for Planning Authorities, 2012, (DoECLG), and accompanying Retail Design Manual.

## 5.3. Other National Guidance

Design Manual for Urban Roads and Streets, 2019, (Department of Transport, Tourism, Sport and Department of Environment, Community and Local Government).

## 5.4. Natural Heritage Designations

The closest European sites are the Lower River Suir SAC (Site Code 002137) located approx. 1 km northeast of the site and the River Barrow and River Nore SAC (Site code 002162) located approx. 9.8km east of the site.

## **5.5. EIA Screening**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. One no. first party appeal against the Planning Authority's decision to refuse permission has been received. The grounds of appeal can be summarised as follows:

#### *Zoning Encroachment*

- The extent of zoning encroachment is limited, at 11% net of the proposed Lidl demise) and is not a material contravention of the Development Plan. Precedent is provided confirming that a degree of encroachment, equivalent or in excess of the extent in this instance, is acceptable and would not be a material contravention.
- The extent of encroachment results in a limited proportion of loss of residential lands and does not undermine future delivery of residual lands in residential or neighbourhood zones.
- The area is in need of a catalyst to encourage development and address stagnation, which the subject proposal will provide.
- There would be no departure from a fundamental provision of the plan, nor would the development seriously prejudice an objective of the plan as outlined in the Development Management Guideline.

- Development Plan Policy Objective H05 provides for flexibility in zoning provisions and provides that proposals will be considered on their merits where they are consistent with the 'Vision' for the site.
- The Neighbourhood Centre zoned block is limited to a strip along the road frontage, and any development of reasonable scale would struggle to keep to this limited strip and so encroachment on the residential zoning is inevitable.

#### *Material Contravention*

- Should the Coimisiún deem the encroachment to be a material contravention of the plan it is considered that Section 37(2)(b)(ii) is relevant as the development plan objectives are not clearly stated. There is a collective set of zoning objectives overlapping with an opportunity site designation and a masterplan objective. The masterplan designation overrules the zoning objective, in particular in relation to boundaries.
- It is also considered that Section 37(2)(b)(iii) is relevant as the proposal will give effect to many of the objectives of various national guidelines and government policies, including NPF National Policy Objective 20.

#### *Opportunity Site Designation*

- Opportunity Site OPS 24 and Objective DO 22 Masterplan designation of the lands should form the core basis for assessing the scheme. The PA decision appears to have given greater weighting to the arbitrary zoning than these objectives.
- The PA decision has given weighting to the issue of streetscape only, with secondary or no real weighting to other criteria. The subject site is only a small part of the Opportunity Site designation with the majority of the opportunity site remaining available for development.
- A masterplan has been prepared which demonstrates that the proposal will not prejudice the orderly development of the masterplan area.

#### *Conflation of 'Urban Edge' and 'Active Streetscape'*

- The decision equates urban edge and active streetscape as the same goal in terms of interpretation of the Development Plan and associated designations.

A strong urban edge can be provided notwithstanding the absence of an active shopfront treatment to the Carrickphierish Road. Similar layout arrangements have been approved in other sites nationally and locally.

#### *Site Frontage & Topography*

- The design and layout is influenced by the site characteristics. The topography of the site means the lands are elevated above the Carrickphierish Road; setback from the road is required as a result of zoning / ownership boundary and the presence of foul sewer and surface water infrastructure. The application has demonstrated that the aspiration of an active or porous street façade is not physically feasible.
- Development on the opposite side of the Carrickphierish Road has similar constraints.

#### *Emerging Carrickphierish Neighbourhood*

- The area has been subject to stagnation for many years with abandonment of mixed use ambitions at the extant parts of the neighbourhood centre at Mount Suir.
- The area lacks momentum and activity in terms of delivering on the policies and objectives of the PA.

#### *Realistic Scale and Mix of Development Achievable*

- The subject scheme is considered to be a reasonable and proportionate solution to the long standing inertia in the area and is deliverable.
- Precedent exists for similar proposals in emerging residential areas.
- It is not feasible or viable to include an additional building.
- The proposal provides for a layout that resolves topographical and infrastructure wayleave constraints and provides a strong urban edge, albeit at some cost in terms of reducing the level of glazing facing the road but at the same time providing a stronger massing and urban edge.
- Whilst the proposal is single use in nature, it is complemented by an indicative masterplan.

### *Proposal Part of a Larger Landbank*

- The subject proposal has the potential to be an enabler or catalyst to kickstart the realisation of the neighbourhood.
- Regard should be given to the potential planning gain for the area.

### *Policy Objective Place 02 & Place 05 & Opportunity Site and Masterplan Designations*

- Legal Judgement refers to the need for a holistic interpretation of a development plan as a whole and that guidelines and planning strategies should not be interpreted in an excessively technical or over legalistic manner.
- The tests associated with Policy Objective Place 02 and Place 05 and the Opportunity Site and Masterplan designations have been met.
- The proposal would have a strong relationship with Carrickphierish Road and would provide a defined urban edge insofar as is possible given the constraints referred to.
- The layout was acceptable to the PA Architect's Section and the Heritage Officer.
- It remains open to the Coimisiún to permit the originally proposed arrangement where the building aligns along a north-south axis.
- The proposal provides for a specific design response to the characteristics and objectives of the area.

## **6.2. Planning Authority Response**

A response from the PA can be summarised as follows:

- The proposal would represent a substandard form of development creating a poor urban edge and streetscape to the Carrickphierish Neighbourhood.
- The proposal would be contrary to Policy Objective Place 02 and Place 05 of the Development Plan.

- The proposal on land zoned for Existing Residential would materially conflict with the Development Plan where a food store/supermarket is not permitted on residential zoned lands.
- The substantive issues raised in the appeal were assessed in the planner's report relating to the application.
- The development was refused following a detailed and robust assessment which included input from other departments within WCCC and external referral bodies.
- The PA remains unfavourably disposed to the proposal and strongly urges ACP to uphold its decision to refuse permission.

### 6.3. **Observations**

None received.

## 7.0 **Assessment**

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

- Principle of Development
- Design and Layout
- Other Matters

### 7.2. **Principle of Development**

7.2.1. The appeal site has an overall area of 1.1 ha which includes elements of the existing and future public roads. The area of the proposed Lidl demise or 'private' land extent measures a stated area of 0.852 hectares. The site is largely located in an area zoned 'RE - Regeneration' with the zoning objective "Provide for enterprise and/ or residential led regeneration" and whereon foodstore/supermarket is a permitted use. The northern portion of the site is zoned 'RS - Existing Residential' with the zoning

objective “Provide for residential development and protect and improve residential amenity” whereon foodstore/supermarket is not permitted.

- 7.2.2. The PA’s second reason for refusal states that the proposed development on lands zoned Existing Residential would materially contravene the Development Plan wherein Table 11.1 Land Use Zoning Objectives and Table 11.2 Zoning Matrix states that a food store / supermarket is not permitted on residentially zoned lands. The PA’s response to the appeal reiterates this point.
- 7.2.3. The first party acknowledges that the proposal is partly located on lands zoned residential and sets out that the limited extent of encroachment would not materially contravene the development plan and cites relevant provisions in the Development Management Guidelines (2007) and precedents considered relevant.
- 7.2.4. This assessment relates to the layout submitted in response to the PA’s further information request which provides for the footprint of the proposed supermarket along with the vehicular entrance, an area of surface car parking and an internal access road located on the zoned land. An area of surface car parking and circulation space is located on the section of the site zoned RS. The stated zoning objective for RS zoned lands is to provide for residential development and protect and improve residential amenity. Table 11.2 Zoning Matrix indicates that on RS zoned land the use type ‘Retail Food (Supermarket)’ is not permitted. Section 11.1 of the Development Plan states that ‘the general objectives of the use zoning in this Plan is to serve as a guideline for the control of development so as to achieve the goals set out in this Plan. Zoning aspires to promote the orderly development of the City and County by eliminating potential conflicts between incompatible land uses and to establish an efficient basis for investment in public infrastructure and facilities’.
- 7.2.5. The Development Management Guidelines, 2007, (Section 5.12) state that ‘in deciding whether any development would materially contravene the plan, the authority should consider whether there would be a departure from a fundamental provision of the plan or whether the development, alone or in conjunction with others, would seriously prejudice an objective of the plan, and that if the answer is no, there is no statutory prohibition on the granting of permission’.



- 7.2.6. The extent of encroachment is stated in the appeal as 11% net of the proposed Lidl demise and resulting in a loss of 2,109 sq.m. gross of residential zoned land. I note that the area of RS zoned land included in the appeal site is part of a larger area of land zoned for residential purposes in the vicinity of the site, which has been partly developed with residential units. The appeal also states that due to the linear configuration of the site it is difficult to achieve development within the RE zoned area and that the area has suffered from a lack of activity resulting in a failure to deliver the policies and objectives of the PA.
- 7.2.7. I consider that the area of the site within the RS zone represents a small proportion of the overall area of land zoned residential at this location and represents a modest portion of the appeal site. I am satisfied that there would be no departure from a fundamental provision of the plan, nor would the development seriously prejudice an objective of the plan as outlined in the Development Management Guidelines. I consider car parking and road are ancillary to the supermarket use and that the overall development of the lands to provide for a supermarket at this location is in accordance with the proper planning and sustainable development of the area. In this regard I consider Section 11.1 of the Plan is relevant wherein it states that the general objectives of the use zoning is to serve as a guideline for the control of development so as to achieve the goals set out in this Plan and that zoning aspires to promote the orderly development of the City and County by eliminating potential conflicts between incompatible land uses. I consider the provision of retail use at this location within an area designated OPS24-Neighbourhood Centre wherein mixed use including neighbourhood scale retail uses are envisaged would provide for the orderly development of the area and would be a compatible land use with the adjacent residential use.
- 7.2.8. Furthermore, having regard to the large extent of RS zoned lands and residential development thereon, to the configuration of the site and the limited encroachment onto the RS zoning I do not consider that the encroachment could be considered to be either a departure from a fundamental provision of the Development Plan or that it would seriously prejudice an objective of the plan.
- 7.2.9. The appeal outlines that Development Plan Policy Objective H05 is relevant to the site, noting that this objective provides for flexibility in zoning provisions and provides that proposals will be considered on their merits where they are consistent with the

‘Vision’ for the site. The appeal site is identified as a potential regeneration site in Table 3.2 and Appendix 21. Policy Objective H05 provides that development proposals which are not fully consistent with the provisions of the land use zoning matrix in Table 11.2 will be considered on their own merits where it can be demonstrated that the proposed development is consistent with the ‘Vision’ for the site, and is in accordance with the proper planning and sustainable development of the area. Having regard to my findings above and to the design and layout proposed (discussed further below), I consider the provisions of Policy Objective H05 are relevant and that the proposal is acceptable in principle.

- 7.2.10. Having regard to the above I do not consider that the encroachment of an area of car parking and vehicular circulation space, ancillary to the main use of the overall site, into the ‘RS’ zoned area, would result in a material contravention of the Development Plan. In my opinion the Coimisiún should not, therefore, consider itself constrained by Section 37(2)(b) of the Planning and Development Act 2000, as amended (hereafter referred to as ‘the Act’). However, in the event that the Coimisiún is minded to grant permission and considers that a material contravention arises in this instance, one or more of the criteria as set out in Section 37(2)(b) of the Act must be met.
- 7.2.11. Section 37(2) (b) of the Act states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Coimisiún may only grant permission where it considers that— (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.
- 7.2.12. I do not consider the proposal is of strategic or national importance and as such Section 37(2)(b)(i) is not relevant.

- 7.2.13. In relation to Section 37(2)(b)(ii) I note for the Coimisiún that the entirety of the site is included in potential regeneration site OPS24-Neighbourhood Centre and that Policy Objective H 05 provides that development proposals on such sites which are not fully consistent with the provisions of the land use zoning matrix (Volume 2 – DM Standards Table 11.2) will be considered on their own merits where it can be demonstrated that the proposed development is consistent with the ‘Vision’ for the site, and is in accordance with the proper planning and sustainable development of the area. I also note that the entirety of the site is within Carrickphierish Specific Development Objective – WCDO22 Carrickphierish which requires preparation of a masterplan, that a masterplan was included with the planning application and that a portion of the site is zoned RS – Existing Residential. I consider that the objectives in the Development Plan that relate to the site may be considered conflicting objectives and not clearly stated, insofar as the proposed development is concerned.
- 7.2.14. In relation to Section 37(2)(b)(iii) I do not consider the proposed development would be in conflict with the Regional Spatial and Economic Strategy (RSES) for the Southern Assembly with reference to retail provision or Section 28 guidelines.
- 7.2.15. I am not aware of examples of the pattern of development, and permissions granted, in the area since the making of the development plan and as such I do not consider Section 37(2)(b)(iv) of the Act is applicable in this case.
- 7.2.16. I consider that if the Coimisiún considers that the matter of material contravention arises, the criteria set out under Section 37(2)(b)(ii) of the Act would be grounds for the Coimisiún to grant permission, with regard to conflicting objectives in the Development Plan outlined above.

### **7.3. Design & Layout**

- 7.3.1. The PA’s first refusal reason relates to the design and layout which is considered to be substandard resulting in the lack of a defined urban edge addressing Carrickphierish Road and the creation of a poor urban edge and streetscape to the Carrickphierish Neighbourhood. The PA also considered the proposal contrary to Policy Objectives Place 02 and Place 05 which seek to ensure all developments are of a high quality design with a focus on placemaking, cognisant of their context and need for variety, distinctiveness, focus on public realm and design.

- 7.3.2. In assessing the application, the PA requested the proposed supermarket be re-orientated to address Carrickphierish Road and provide an urban edge at this emerging neighbourhood and to comply with the OPS 24 objectives.
- 7.3.3. I note that the configuration of the site is such that the area within the applicant's ownership is set back from the road edge at Carrickphierish Road in excess of 8m. The appeal outlines that the topography of the site means the lands are elevated above the Carrickphierish Road, that the applicant's ownership boundary is setback from the road, that setback is required due to the presence of foul sewer and surface water infrastructure and that achievement of an active or porous street façade is not physically feasible.
- 7.3.4. The vision for the overall OPS24-Neighbourhood Centre site includes a requirement to provide strong architectural design as a key landmark development for Carrickphierish Neighbourhood, creation of a mixed use medium/ high-density development on both sites with an emphasis on community, neighbourhood scale retail uses, apartments and residential city living; Provide a strong architectural response and be designed to an exceptional standard with a desirable street edge addressing the Carrickphierish Road; and the site has potential to accommodate taller building(s). Specific Development Objective WCDO22 requires that the future development of lands including the appeal site and the wider area will be informed by a masterplan for the entirety of the undeveloped lands to be prepared by the developer(s) in consultation with the planning authority.
- 7.3.5. On site inspection I noted that the site and the adjacent RE zoned lands which form the OPS24-Neighbourhood Centre site are largely undeveloped with the exception of the Mount Suir neighbourhood centre located approximately 150m to the east wherein a number of retail units appear to be experiencing vacancy. In relation to the lands within the Specific Development Objective WCDO22 Masterplan area, I note that some residential development has occurred on the RS zoned lands in the masterplan area. The appeal site is undeveloped and set back from the road edge with the surrounding environment largely roads dominated and, with the exception of the Carrickphierish Community Campus on the opposite side of the road, there is little by way of character and identity in the immediate area to build upon.

- 7.3.6. The design of the proposed supermarket building is single-storey and incorporates a monopitch roof, which has an overall height on its southern elevation facing Carrickphierish Road of 8.375m at its southwestern end tapering to 5.675m at the southeastern end. The building is elevated approx. 1.5m above the street level. The elevation facing Carrickphierish Road contains a façade comprising an area of double height curtain wall glazing towards the western end with the remainder of this elevation comprising a mix of stone cladding, plastered and painted walls and high level windows. The western elevation incorporates large areas of double height glazing and stone and metal cladding. The east elevation comprises stone cladding and signage whilst the customer entrance will be located on the northern elevation facing parking and circulation areas located to the rear of the building. The existing grass verge on Carrickphierish Road fronting the site is located outside of the site boundary and is to be retained. A landscaping scheme provides for additional planting, including along the east, south and west elevations. The proposal provides for a new junction arrangement off Carrickphierish Road with the supermarket addressing this junction with curtain wall glazing.
- 7.3.7. I note that the north(rear) and west(side) elevations provide for the main area of active frontage and that the elevation along the Carrickphierish Road includes glazing to the southwest along with a largely blank façade along this elevation. Whilst I do not consider the proposal is designed to an 'exceptional standard' as specified in OPS24, noting the constraints outlined by the first party I consider the contemporary design, which addresses the proposed junction between the site and Carrickphierish Road, provides for an acceptable urban edge having regard to the use proposed and the characteristics of the site. I consider the development will provide a modern and contemporary shopfront with an element of active frontage by virtue of a partially glazed elevation. I also note that the Planning Officer's report states that the WCCC Architects Section stated no objections to the proposal (I note that the report of the Architects Section is not included on the file).
- 7.3.8. In relation to compliance with Policy Objective Place 05, I note that this is a general objective of the Development Plan. I am satisfied that a modern and contemporary design is appropriate for the site and that the proposal will provide some element of architectural quality, fit for its intended retail use, respectful of its setting, and will provide for an appropriate public realm. I consider that adequate consideration has

been given to the criteria outlined in Policy Objective Place 05 and I note that the design is similar to other permitted developments in Waterford and elsewhere and I do not consider the proposal would be contrary to the Development Plan in this regard.

- 7.3.9. I note that the site, with a net area of 0.8ha, forms a small part of the overall OPS24 Regeneration and Opportunity Site designation which measures 7.29ha, that the majority of the remaining RE zoned lands on both sides of Carrickphierish Road are undeveloped, and that a number of retail units at the neighbourhood centre at Mount Suir appear to be experiencing vacancy. I consider the proposal contributes towards the provision of a mix of uses including retail and can assist in achieving the vision for the overall lands in the OPS24 opportunity site. I also consider the proposal will contribute to the visual and general amenity of the site and its built quality.
- 7.3.10. In relation to Specific Development Objective WCDO22 Masterplan area, an indicative masterplan submitted with the planning application outlines a potential block pattern and massing for the surrounding Masterplan lands and I consider the proposal will not prejudice the future development of land in the Specific Development Objective WCDO22 Masterplan area or on the overall OPS24-Neighbourhood Centre site. The proposed development also provides for a layout which includes consideration of the wider site and access requirements for future development of adjoining lands.
- 7.3.11. In relation to compliance with Policy Objective Place 02, having reviewed the proposed design and visited the site I consider the provision of neighbourhood level retail as proposed will provide for a mix of uses and support the principle of the 10-minute city and town neighbourhood at this location, noting the area is characterised by residential development, local retail facilities to the east at Mount Suir and community, recreation and education uses on the opposite side of Carrickphierish Road. I am satisfied that the design, scale and layout of the proposed development is not entirely out of character with its setting and should act as a catalyst for a more organised urban design approach for the area.
- 7.3.12. Having regard to the above I am satisfied that the design and layout is appropriate for the site and is acceptable when assessed against the vision for the overall OPS24 site and Specific Development Objective WCDO22 and complies with Policy

Objectives Place 02 and Place 05. Accordingly, I consider that the planning authority's refusal Reason 1 would not be warranted in this case.

7.3.13. In this regard I note that the PA's first reason for refusal did not consider the proposal would represent a material contravention of the Development Plan. If the Coimisiún decide to grant permission I do not consider it necessary to justify the proposal having regard to the provisions of Section 37 (2)(b) of the Planning and Development Act.

7.3.14. I note that the appeal outlines that it is open to the Coimisiún to consider the original layout as submitted to the PA. However, I consider the amended design as provided for by way of further information provides for a more appropriate layout with a building line along the full extent of the site on Carrickphierish Road in place of the initially proposed car parking adjoining this boundary.

#### **7.4. Other Matters**

7.4.1. I note that the PA Roads Engineers Report states that a 4-way signalised controlled junction is recommended at the new proposed junction to facilitate future development in this immediate area and recommends the inclusion of a condition requiring a special contribution of €250,000 incl of VAT to facilitate the development of this junction. If the Coimisiún decides to grant permission I recommend the inclusion of a condition in this regard as provided for under Section 48(2)(c) of the Planning and Development Act, 2000 (as amended).

7.4.2. The Department of Housing, Local Government and Heritage issued an observation noting that an Archaeological Assessment in relation to the proposed development identified archaeological features within the confines of the proposed development and recommended the inclusion of archaeological conditions in the event of a grant of permission relating to mitigation measures and archaeological monitoring of the site. In the event that the Coimisiún decides to grant permission, I recommend the inclusion of conditions in this regard.

7.4.3. The report of the Environment Section requests the inclusion of recycling facilities (bring centre) on the site. I note the applicants further information response which refers to an existing bring centre on the opposite side of Carricpheirish Road and I am satisfied that it is not necessary to require a bring centre on the appeal site.

## **8.0 Water Framework Directive Assessment**

- 8.1. I have assessed the proposed development of a supermarket and associated site works at Carrickphierish and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration (refer to Appendix 5). Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- the nature of works and the proposed drainage measures
- taking into account the WFD screening report by the Planning Authority.

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

## **9.0 AA Screening**

- 9.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Suir SAC and River Barrow and River Nore SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 9.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Lower River Suir SAC and River Barrow and River Nore SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.



9.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the Lower River Suir and the River Barrow and River Nore SAC

## 10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

## 11.0 Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, in particular the zoning objectives of the site, Policy Objective H05 and Table 3.2 and Appendix 21 wherein the site is identified as potential regeneration site OPS24 Neighbourhood Centre Carricphierish, to Section 37(2)(b) of the Planning and Development Act 2000 (as amended), to the characteristics of the appeal site and the pattern of development in the vicinity of the site, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of zoning, layout, and design, and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 09<sup>th</sup> May 2025

except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: in the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the integrity of European Sites.

3. Mitigation measures outlined within the Archaeological Assessment lodged with the further information on the 09<sup>th</sup> day of May 2025, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: in the interest of the proper planning and sustainable development of the area

4. The developer shall engage a suitably qualified licenced eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is

agreed in writing with the Planning Authority. The Planning Authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

5. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application as revised, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

6. Prior to the occupation of the development, details of all advertising signage, including the proposed colour and finish and level of illumination (lux) of the signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: in the interest of visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. The following to be complied with in full:

(a) The proposed retail unit shall not operate outside the hours of 08.00 and 22.00 Monday to Saturday inclusive and 09.00 and 21.00 hours on Sundays.

(b) All deliveries to the site during the operational phase shall be within the specified opening hours only.

Reason: In the interest of residential amenity.

9. The Landscape scheme submitted to the planning authority on the 09<sup>th</sup> day of May 2025 shall be implemented fully in the first planting season following the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of visual amenity.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: in the interest of amenity and public safety.

12. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it

is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

13. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

14. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the Planning Authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. Prior to commencement of development, details of the proposed boundary treatments to all shared site boundaries shall be submitted to and agreed in writing with the Planning Authority and shall comply with the requirements of the Planning Authority for such works.

Reason: In the interest of visual and residential amenity.

16. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground.

Reason: in the interest of visual and residential amenity.

17. The developer shall enter into water and wastewater connection agreement with Uisce Eireann, prior to commencement of development.

Reason: in the interest of public health.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: in the interest of public safety.

20. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

21. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads,

footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

23. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the provision of a 4-way signalised controlled junction, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Bernadette Quinn  
Planning Inspector

14<sup>th</sup> October 2025



## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323010-25
<b>Proposed Development Summary</b>	Discount food store supermarket with ancillary off-licence and all other associated site works
<b>Development Address</b>	Carrickphierish Road (Bawndaw Townland), Gracedieu, Waterford
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p> <p>Schedule 5 Part 2 Class 10 (B) – Infrastructure Projects:</p> <p>(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sqm threshold.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

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

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

## Appendix 2

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323010-25
<b>Proposed Development Summary</b>	Discount food store supermarket with ancillary off-licence and all other associated site works
<b>Development Address</b>	Carrickphierish Road (Bawndaw Townland), Gracedieu, Waterford
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The subject development would comprise the construction of a of a single storey, discount food store with ancillary off-license sales area which has a gross floor area of 2,356sq.m. Vehicular access and egress for the proposed food store is from a new road junction off the Carrickphierish Road.  During the construction phase, the proposed development would generate waste during excavation and construction. However, given the moderate size of the proposed building I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phases due to the limited size of the site and the nature of the proposed use.
<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).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is located in the environs of a cluster of archaeological sites. An Archaeological assessment submitted outlines mitigation measures in this regard. A drainage ditch is located within the site at its western boundary. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. The site is served by a local urban road network.  The development is situated on zoned serviced lands within the suburbs of Waterford City at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Waterford City and County Development Plan 2022-2028.

<p><b>Types and characteristics of potential impacts</b></p> <p>(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><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>The closest European sites are the Lower River Suir SAC (Site Code 002137) located approx. 1 km northeast of the site and the River Barrow and River Nore SAC (Site code 002162) located approx. 9.8km east of the site. There is a hydrological connection to St. John's River via a drainage ditch within the site. A NIS has been submitted with the application documentation and has been considered within Appendix 3 and 4 of this assessment.</p> <p>I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>
<del>There is a real likelihood of significant effects on the environment.</del>	<del>EIAR required.</del>

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

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

(only where Schedule 7A information or EIAR required)

### Appendix 3

#### Screening for Appropriate Assessment Test for likely significant effects ACP-323010-25

##### Step 1: Description of the project and local site characteristics

<b>Brief description of project</b>	<b>Discount food store supermarket with ancillary off-licence and all other associated site works.</b>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>A detailed description of the proposed development is outlined in Section 2 of this report and details of the area of the proposed development are provided in the NIS and planning documents provided by the applicant.</p> <p>The development will comprise the construction of a single storey, discount food store with ancillary off-licence sales area which has a gross floor area of c. 2,356 sqm gross floor space with a net retail sales area of c. 1,497 sqm. Vehicular access will be provided by way of the construction of an access road from Carrickphierish Road serving the proposed development and facilitating the future development of adjoining lands and associated and ancillary works. The development includes a car park area and on site drainage infrastructure including SUDS measures with connections to the existing watermain and foul wastewater services.</p> <p>The subject site is a greenfield site with an area of 1.106ha and which is relatively flat in nature with a gradual fall from north west down to south east. To the east, north and northwest is a residential development, Mount Suir. Carrickphierish Road is to the south. Waterford City Centre is approximately 2km to the northeast.</p> <p>There are existing surface water drains located immediately north and on Carrickphierish Road. There is an existing drainage ditch on the site adjacent to the western boundary which discharges to St. Johns River which ultimately discharges to the River Suir.</p> <p>It is proposed that all surface water runoff, from the proposed Lidl site and the new access road, will be captured by a new surface water drainage network which will ultimately discharge to an existing surface water network</p> <p>A Flood Risk Assessment for the proposed development concluded that coastal or tidal flooding can be considered</p>

	<p>as negligible risk of flooding for the proposed development and the proposal is located in Flood Zone C.</p> <p>The closest European sites are the Lower River Suir SAC located approx. 1 km northeast of the site and the River Barrow and River Nore SAC located approx. 9.8km east of the site.</p>
<b>Screening report</b>	Yes – by Altamar dated 09 <sup>th</sup> May 2025
<b>Natura Impact Statement</b>	Yes – by Altamar dated 09 <sup>th</sup> May 2025
<b>Relevant submissions</b>	None

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening, with consideration given to sites within 15km of the development site. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Lower River Suir SAC (Site Code 002137)	<p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion</p>	c.1km	<p>Yes, direct hydrological pathway during construction and operation via onsite drainage ditch which discharges to the St. Johns River, which in turn discharges to the River Suir</p> <p>Indirect hydrological pathway via surface water drainage during operation via proposed connection to existing surface water network which discharges to River Suir.</p>	Y

	<p>incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaiite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p><a href="#">Lower River Suir SAC   National Parks &amp; Wildlife Service</a></p>			
River Barrow & River Nore SAC (Site code 002162)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p>	c.9.8km	<p>Yes, direct hydrological pathway during construction and operation via onsite drainage ditch which discharges to the St. Johns River, which in turn discharges to the River Suir which is hydroloically connected to the River Barrow. Indirect hydrological pathway via surface water drainage during operation via proposed connection</p>	Y

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (<i>Desmoulin's Whorl Snail</i>) [1016]</p> <p><i>Margaritifera margaritifera</i> (<i>Freshwater Pearl Mussel</i>) [1029]</p> <p><i>Austropotamobius pallipes</i> (<i>White-clawed Crayfish</i>) [1092]</p> <p><i>Petromyzon marinus</i> (<i>Sea Lamprey</i>) [1095]</p> <p><i>Lampetra planeri</i> (<i>Brook Lamprey</i>) [1096]</p>		<p>to existing surface water network which discharges to River Suir which is hydrologically connected to the River Barrow.</p>	
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	<p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p> <p><a href="#">River Barrow and River Nore SAC   National Parks &amp; Wildlife Service</a></p>			
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<sup>1</sup> Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

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

There is a potential hydrological pathway from the drainage ditch located adjoining the western site boundary. This drainage ditch discharges to the St. Johns River, which in turn discharges to the River Suir approximately 3km east of the site. The River Suir discharges to the River Barrow approximately 9.5km downstream of the proposed development site. As such, there is a potential direct hydrological connection to the Lower River Suir SAC (Site Code 002137) and the River Barrow and River Nore SAC (Site code 002162). Further consideration of these sites is required.

In the absence of mitigation, there is the potential for silt or contaminated groundwater / surface water runoff to enter the onsite drainage ditch and cause downstream impacts on these SAC.

During operation, it is proposed to discharge surface water to an existing surface water network on the Carrickphierish Road which ultimately discharges to the River Suir. As such, there is an indirect hydrological pathway to this SAC via surface water drainage during operation. Out of an abundance of caution, mitigation measures are required to prevent silt or contaminated surface water drainage entering this network and causing significant downstream impacts.

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects

<b>Site 1: Name (code)</b> QI list Lower River Suir SAC (Site Code 002137)	<p>Outlined in Table 2 of AA Screening Report and summarized as follows:</p> <p>There is a direct hydrological pathway between the proposed development site and the Lower River Suir SAC during the construction and operation of the proposed development via the onsite drainage ditch. In the absence of mitigation, there is the potential for silt or contaminated groundwater / surface water runoff to enter the onsite drainage ditch and cause downstream impacts on this SAC. Mitigation measures are required.</p> <p>During operation, it is proposed to discharge surface water to an existing surface water network on the Carrickphierish Road which ultimately discharges to the River Suir. As such, there is an indirect hydrological pathway to this SAC via surface water drainage during operation. Out of an abundance of caution, mitigation measures are required to prevent silt or contaminated surface water drainage entering this network and causing significant downstream impacts.</p>	<p>In the absence of control or mitigation measures, potential effects arising from pollution (silt, dust, pollution and runoff) during construction and operation entering this SAC resulting in potential damage to the qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.</p>
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2: Name (code)</b> QI list River Barrow & River Nore SAC (Site code 002162)	<p>Outlined in Table 2 of AA Screening Report and summarized as follows:</p> <p>There is a direct hydrological pathway between the proposed development site and the River Barrow and River</p>	<p>In the absence of control or mitigation measures, potential effects arising from pollution (silt, dust, pollution and runoff) during construction and operation entering this SAC</p>

	<p>Nore SAC during the construction and operation of the proposed development via the onsite drainage ditch. In the absence of mitigation, there is the potential for silt or contaminated groundwater / surface water runoff to enter the onsite drainage ditch and cause downstream impacts on this SAC. Mitigation measures are required.</p> <p>During operation, it is proposed to discharge surface water to an existing surface water network on the Carrickphierish Road which ultimately discharges to the River Suir and which is connected to the River Barrow &amp; River Nore SAC. As such, there is an indirect hydrological pathway to this SAC via surface water drainage during operation. Out of an abundance of caution, mitigation measures are required to prevent silt or contaminated surface water drainage entering this network and causing significant downstream impacts.</p>	<p>resulting in potential damage to the qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.</p>
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>It is not possible to exclude the possibility that proposed development alone would result in significant effects on the Lower River Suir SAC (Site Code 002137) and the River Barrow &amp; River Nore SAC (Site code 002162) from effects associated with surface water drainage.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p><b>Proceed to AA.</b></p>		

## **Screening Determination**

### **Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on the Lower River Suir SAC (Site Code 002137) and River Barrow & River Nore SAC (Site code 002162) in view of these sites conservation objectives. Appropriate Assessment is required.

## Appendix 4: AA and AA Determination

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a discount food store supermarket with ancillary off-licence and all other associated site works in view of the relevant conservation objectives of Lower River Suir SAC (Site Code 002137) and River Barrow & River Nore SAC (Site code 002162) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Stage 1 Screening for Appropriate Assessment prepared by Altamar
- Natura Impact Statement prepared by Altamar

I am satisfied that the information provided is adequate to allow for Appropriate Assessment.

I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

None in relation to designated sites.

**Lower River Suir SAC (Site Code 002137):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**  
**[examples]**

**(i) Water quality degradation (construction and operation)**

**Refer to Table 6 & Table 7 in NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (summary-inserted)</b> A full list of conservation objectives, targets and attributes is available on the following link: <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002137.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002137.pdf</a>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Alosa fallax fallax (Twaiite Shad) [1103]	Restore favourable conservation conditions	Potential impact due to a potential deterioration in water quality during construction.	Mitigation measures outlined in NIS Table 7 will be carried out to ensure that no significant silt or pollution enters watercourses or is allowed to travel downstream of the proposed works from the construction or operation phases of the proposed project and create localised pollution. Construction Phase measures include: <ul style="list-style-type: none"> <li>• Best practice pollution control measures</li> <li>• Application of industry standard controls</li> <li>• Comprehensive Construction Environmental Management Plan (CEMP)</li> <li>• Local waterbodies (incl. onsite drainage ditch) and drains will be protected from dust, silt and surface water throughout the works through silt traps and other measures</li> <li>• Supervision by project ecologist.</li> </ul>
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Austropotamobius pallipes (White-clawed Crayfish) [1092]	Maintain favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	

Petromyzon marinus (Sea Lamprey) [1095]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	<b>Operational Phase:</b> <ul style="list-style-type: none"><li>A project ecologist will be appointed to oversee completion of all landscape and drainage works.</li><li>Bypass and oil separators will be inspected by the project ecologist to ensure compliance with Water Pollution Acts.</li><li>Bypass and oil separators will be maintained regularly, strictly following the guidelines outlined in the maintenance manual for the specific model installed.</li></ul>
Lampetra planeri (Brook Lamprey) [1096]  Lampetra fluviatilis (River Lamprey) [1099]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Salmo salar (Salmon) [1106]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Lutra lutra (Otter) [1355]	Maintain favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
<b>River Barrow &amp; River Nore SAC (Site code 002162):</b>  <b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b> <b>(i) Water quality degradation (construction and operation)</b>  <b>Refer to Table 6 &amp; Table 7 in NIS</b>			
<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (summary-inserted)</b> A full list of conservation objectives, targets and attributes is available on the following link: <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002137.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002137.pdf</a>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>

Alosa fallax fallax (Twaite Shad) [1103]	To restore the favourable conservation conditions	Potential impact due to a potential deterioration in water quality during construction.	<p>Mitigation measures outlined in NIS Table 7 will be carried out to ensure that no significant silt or pollution enters watercourses or is allowed to travel downstream of the proposed works from the construction or operation phases of the proposed project and create localised pollution.</p> <p>Construction Phase measures include:</p> <ul style="list-style-type: none"> <li>• Best practice pollution control measures</li> <li>• Application of industry standard controls</li> <li>• Comprehensive Construction Environmental Management Plan (CEMP)</li> <li>• Local waterbodies (incl. onsite drainage ditch) and drains will be protected from dust, silt and surface water throughout the works through silt traps and other measures</li> <li>• Supervision by project ecologist.</li> </ul> <p>Operational Phase:</p> <ul style="list-style-type: none"> <li>• A project ecologist will be appointed to oversee completion of all landscape and drainage works.</li> <li>• Bypass and oil separators will be inspected by the project ecologist to ensure compliance with Water Pollution Acts.</li> <li>• Bypass and oil separators will be maintained regularly, strictly following the guidelines outlined in the maintenance manual for the specific model installed.</li> </ul>
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Austropotamobius pallipes (White-clawed Crayfish) [1092]	Maintain favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Petromyzon marinus (Sea Lamprey) [1095]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Lampetra planeri (Brook Lamprey) [1096]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Lampetra fluviatilis (River Lamprey) [1099]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Salmo salar (Salmon) [1106]	Restore favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	
Lutra lutra (Otter) [1355]	Maintain favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	



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

## **Assessment of issues that could give rise to adverse effects in view of conservation objectives**

### **(i) Water quality degradation**

There is an onsite drainage ditch running directly adjacent to the western boundary of the site. The southern end of the ditch connects the site to the existing surface water network along Carrickphierish Road via culvert. This network is officially recognised as a watercourse within the WFD database. This network discharges to the St. Johns River which ultimately discharges to the River Suir. Contaminated groundwater / surface water runoff on site during construction or operation may lead to silt or contaminated materials travelling downstream to European sites. Concrete, silt or pollution could enter the St. Johns River during works. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent watercourses. The storage of topsoil or works in the vicinity of the drainage ditch on onsite could lead to dust, soil or silt laden runoff entering the adjacent watercourse network.

Given the nature of the works all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. However, out of an abundance of caution, without the presence of mitigation measures there is a potential for downstream effects if significant quantities of pollution or silt were introduced into the watercourse or allowed to travel downstream.

There is potential for significant effects from the works on the above listed qualifying Interests in the absence of mitigation measures. This would include the contamination of watercourses which could directly or indirectly impact on the species listed above.

#### **Ex-Situ Habitat:**

There is no spatial overlap between the appeal site and the Rover Suir SAC or the River Barrow and River Nore SAC. No preventative mitigation measures are required.

### **Mitigation measures and conditions**

The mitigation measures outlined will be carried out to ensure that no significant silt or pollution enters watercourses or is allowed to travel downstream of the proposed works from the construction or operation phases of the proposed project and create localised pollution.

## **In-combination effects**

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

### **Findings and conclusions**

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

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

### **Reasonable scientific doubt**

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

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Suir SAC and River Barrow and River Nore SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Suir SAC and River Barrow and River Nore SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Lower River Suir SAC and River Barrow and River Nore SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the Lower River Suir and the River Barrow and River Nore SAC

## Appendix 5: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<b>An Coimisiún Pleanála ref. no.</b>	<b>ACP-323010-25</b>	<b>Townland, address</b>	Carrickphierish Road (Bawndaw Townland), Gracedieu, Waterford
<b>Description of project</b>		Construction of a discount food store supermarket with ancillary off-licence and all other associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site has an area of 1.106 hectares, is located on a relatively flat site with the topography undulating down from north to south. The site is approximately 2 km west of Waterford City Centre. The area is characterised by a mix of residential, community, education and small scale retail uses. The site is covered in grass and scrub vegetation. There is a drainage channel along the site's western boundary.</p> <p>The National Soils Hydrology Map identifies the site as having poorly drained sandstone till soil type.</p>	
<b>Proposed surface water details</b>		Proposed SuDS and connection to mains.	
<b>Proposed water supply source &amp; available capacity</b>		Proposed connection to mains.	

Proposed wastewater treatment system & available capacity, other issues			Proposed connection to mains sewer.			
Others?						
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 (e.g. surface run-off, drainage, groundwater)
River	Located within site at western boundary	St. John's_010 IE_SE_16S030400	Poor	At risk	Nutrients, Organic	Potential for surface water drainage via onsite drainage ditch
Groundwater Waterbody	Underlying site	Waterford IE_SE_G_149	Good	Not at risk	None	Surface water run-off to groundwater

<b>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>							
<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.	Site clearance /construction	St. John's_010	Hydrological pathway via on site drainage channel	Water Pollution by siltation and/or chemicals	Standard best construction; Construction, demolition and environmental management plan (condition)	No	Screened out

2.	Site clearance /construction	Waterford IE_SE_G_1 49	Drainage through soil/bedrock	Hydrocarbon and other spillages	Standard best construction; Construction, demolition and environmental management plan (condition)	No	Screened out
<b>OPERATIONAL PHASE</b>							
4.	Surface water run-off	St. John's_010	Drainage channel	Surface water run-off	Drainage collection and disposal measures (silt collector / petrol bypass, SUDS measures to collect clean storm water and discharge to SW main drain)	No	Screened out
5.	Groundwater discharge	Waterford IE_SE_G_1 49	None	Surface water run-off to groundwater	Drainage collection and disposal	No	Screened out

					measures (silt collector / petrol bypass, SUDS measures to collect clean storm water and discharge to SW main drain).		
<b>DECOMMISSIONING PHASE</b>							
7.	N/A	N/A	N/A	N/A	N/A	N/A	N/A