



An
Coimisiún
Pleanála

Inspector's Report

ACP-323071-25

Development	Retention of single storey dwelling on site and construction of 4 dwellings and associated site works.
Location	Lacken Road, Kilbarry County Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2460761
Applicant(s)	Tony Robinson
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Wayne and Walaipon Lee
Observer(s)	None
Date of Site Inspection	5 th September 2025
Inspector	Suzanne Kehely

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1.0 Site Location and Description

- 1.1. The site of 0.25 hectares is located in a suburban area on the southern side of Waterford City approx. 2.4km from the city centre. The fronts onto Lacken Road where it is some 200m from the Ballybeg Roundabout from which the site is connected to the regional route. The immediate environs are residential with a recent medium density housing development backing onto the site and also facing the site on the opposite side of the site. It is adjoined to the south by a detached bungalow and to the west there is open space area which fronts on to the roundabout and the entrance road to Templars Hall Estate to the west. Waterford City Fire Station is on the western side of the roundabout and civic facilities, and the Lacken Road Business Park are to the southeast. The South East Technological University is to the northwest (c.500m) with additional education, commercial and community users within easy reach.
- 1.2. The site is roughly square with dimensions of approx. 48m x 49m. It has a single storey bungalow with mature boundaries and 2m high rendered and capped concrete wall along the frontage. It has a splayed entrance and there is a footpath fronting the site which extends northwards to the roundabout.

2.0 Proposed Development

- 2.1. The proposed development as submitted to Waterford City and County Council and as amended by further information (FI) comprises:
- Retention of dwelling house
 - Construction of 4 x two-storey houses – arranged with two on each side of the existing dwelling house. (This was revised from 3 storey.)
 - Height 6.3 (revised from 9.5m)
 - House type A 1x 104.6 sq.m. 13.8m deep (revised from 14.75m)
 - House Type B 3 x 104.6 sq.m. 13.8m deep (revised from 14.75m)
 - Vehicular Access is maintained and widened onto Lacken Road with internal auxiliary access providing vehicular access to each dwelling within the site.
 - Dwelling houses provides 20 bed spaces

2.2. Summary of Development

Development Parameter	Proposed as Revised in Further Information
Application Site (Gross Site Area)	0.25ha. site outlined in red is extended in further information to include an additional public open space area for service connection works only.
Application Site (Net Developable Site Area)	0.25 ha
Demolition	None
No. of additional residential units	4
Gross Internal Floor Area	418.4 sq.m.
Density	21 dph
In excess of min floor area	All in excess
Site coverage	Approx. 13.54%
Plot Ratio	0.31
Height	6.3m
Communal and Public open space	Communal open space of 382.7sq.m.to front to be fenced off with 900mm railing over 900m plinth wall Public open space 259.6sq.m. drawing KE/LRK/01
Residential Amenity	As above
Private Amenity Space	Rear gardens Retained for existing dwelling: 530 sq.m. Other gardens: 95.3sq.m., 82.7sq.m., 76.6 sq.m. and 70.4 sq.m.
Dual Aspect	All are at least dual aspect.
Car Parking Spaces	2 per unit
Car Parking Ratio	2
Cycle Parking	Secure area in rear gardens and Sheffield stand in open space.
Existing/last use	Residential
Part V	N/A
Entrance	Widened to 7.4m and improvement of sightlines.

2.3. The application was accompanied by a comprehensive set of drawings and technical reports which include the following documents as revised where applicable in further information:

- Design Statement as prepared by CDP Architecture. In response to further information a letter explains redesign to two storeys. Revised contextual elevation drawing no. REV_B 3.1.303 puts in context.
- The site boundary (as outlined in red) has been revised to include foul drainage and surface water connections from the site to the public road via the area of open space to the north of the site. (Drawing No. 3.1.101 Rev B). A letter of consent from the relevant landowner(s) to undertake these works on lands outside of your ownership shall be provided.
- Flood Risk Assessment- site in flood risk zone C
- Schedule of Units as prepared by CDP Architecture. Revised in FI.
- Architectural Drawings including OS Map as listed in the Architects issue sheet. Revised.
- Engineering Drawings and reports as prepared by Lohan and Donnelly Consulting Engineers. Sweep path drawings 12/12/24. Updated in FI.
- Section 96 Exemption Application and signed Part V document
- Outdoor lighting report as contained in further information.
- Consent letter from Property Management Department of Waterford City and County Council relating to open space works.
- FI response letter from Lohan and Donnelly with
 - a revised drawing 22117-LDE-ZZ-ZZ-DR-C-5C09 showing sightlines (both greater than required 45m), forward visibility and rear visibility in accordance with DMRB,
 - revised swept path - drawing 22117-LDE-ZZ-ZZ-DR-C-1T03
 - drawing 22117-LDE-ZZ-ZZ-DR-C-1C08 and accompanying section details in drawing 22117-LDE-ZZ-ZZ-DR-C-1C10 for all information regarding road widths, footpath widths, road levels, and gradients
- Letter of confirmation of feasibility (Ref: CDS24009346) from Uisce Éireann dated 31st of January 2025 is appended to above engineers FI response. Both water and wastewater connections are feasible without upgrade to the existing infrastructure.

- Housing Strategy Compliance Report: This includes a Housing Need Demand Assessment (HNDA) in line with the seven requirements as provided in the Development Plan Housing Mix Policy Objectives.
- As the further information submitted was significant, revised public notices were issued in accordance with the Planning and Development Regulations.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By Order 20th June 2025 the Planning authority issued notification of decision to grant permission subject to 20 conditions

C.1	Standard
C.2	Roads specification
C.3	Roads signs, road protection from debris during construction, road drainage, overall road design and footpaths design and finishes
C.4	S.48 contribution
C. 5	Security
C.6	Water connection (Uisce Eireann)
C.7	Surface water compliance requirements WCCC
C11	Completion of attenuation prior to roofing / roof construction and run-off management
C 8 and 9	Adherence to DMRS and is DoELG site development standards.
C.10	Waste management plan
C.11	Surface water (as above) and construction hours
C.12	Protecting services during construction
C.13	Certificate of completion

C.14	Cables/ducting
C.15	Street naming and numbering
C.16	Public lighting
C.17	Obscure bathroom glazing
C.18	Boundary treatment requirement
C.19	Floor levels and benchmark requirements
C.20	Materials and finishes

3.2. Planning Authority Reports

3.2.1. **Planning Reports:** The initial report (4th Nov 2024) considers that the proposal for infill housing at the density proposed is generally acceptable in principle having regard to policies and objectives of the Waterford City & County Development Plan 2022-2028, the National framework plan, statutory guidance, the absence of planned high-capacity public transport and the suburban urban extension character where 35dph could be considered and pattern of development. However, noting detailed criteria and internal reports, **Further Information** was requested in respect of:

- A Housing need statement in accordance with H17
- Revision of 3 storey design
- Open space qualification
- Inclusion of works area for proposed connection into the site area as outlined in red
- Confirmation of feasibility of connection from Uisce Eireann
- Sightlines provision in accordance with DMURS
- S.97 Cert of exemption for Part V
- Boundary treatment
- Public Lighting

3.2.2. Further information (FI) was submitted on 17th April with revised public notices.

- 3.2.3. In the subsequent report of 27th May, it was considered that the redesign was an improvement in terms of transitioning between existing and proposed and having regard to zoning objectives.
- 3.2.4. In terms of sightlines, the restrictions of the continuous white line and use of signage is considered to contain overtaking. The bin collection point, following discussion with the Roads Section requires further agreement. The road layout details are stated to have been reviewed by the Roads Section as discussed. As it is for 4 dwellings, the provisions of Section 96 of the PDA do not apply and so an exemption certificate should issue in accordance with section 97. Other details have been submitted to the satisfaction of the planning authority subject to further conditions

3.3. Other Technical Reports

- 3.3.1. **Metropolitan Area District Engineer:** In the initial report of 28th January 2025, further details as follows were considered to be required:
- to demonstrate adequate sightlines, having particular regard to the tree and mound at the existing entrance,
 - to amend boundary such that the red line encompasses all proposed works such ss foul and storm water connection works,
 - updated swept path analysis for larger vehicle as specified,
 - public lighting to county council specification,
 - SuDs criteria for greenfield run-off not being complied with but with prior agreement of UE.

No further comment on FI.

- 3.3.2. **Roads:** No report. Planning report refers to discussion. Further information was required.
- 3.3.3. **Water Services:** No report. Planning report refers to discussion and an agreed discharge rate. District Area Engineer notes (28/1) that the greenfield run off rates are not met in the SuDS measures but that this has been agreed with the Water Services department.

3.4. Prescribed Bodies

3.4.1. **Uisce Eireann:** No submission. A letter is appended in the FI from Uisce Eireann to applicant confirming feasibility of connection.

3.5. **Third Party Observations**

- 12 submissions are noted and issues summarised in PA report which relate to similarity of previously refused development, design, intensity and character of proposal insufficient car parking and traffic hazard, anticipated rental use and impact on property values.

4.0 **Planning History**

4.1. **The site**

- 4.1.1. An Bord Pleanala Reference: 314618-22 (Planning authority reference 22/569)– Refusal of permission for a 5-storey student accommodation Block on the subject site and adjoining open space area (site of .45hectares). Reason were based on:
- Material contravention of development on land designated as open space
 - Unacceptable standard of design and contribution to public realm in context of City South West Neighbourhood Design Framework as per policy DM05
 - Inadequate standard of student accommodation in contravention of Policy objective H22
 - Bulk and scale relative to resident development to south and east and adverse impact on residential development thereby in construction of H02, H20 and H 23.
- 4.1.2. Planning authority Reference 15/608: Housing development of 8 terraced houses was refused permission for
- impact due to incongruity and overbearing form relative to the adjacent single storey dwelling,
 - inadequate car parking and waste management provision/arrangements
 - substandard internal accommodation.

5.0 Policy Context

5.1. National Planning Policy

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

- NSO 1 - Compact Growth.
- NPO 8 - Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- NPO 11 - Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals ... shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- NPO 16 – 88,000 population target for Waterford City and suburbs by 2040 (from 60000 in 2022).
- NPO 22- performance based criteria for housing standard, height, parking provision.
- NPO 43 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 45 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, **infill development** schemes, area or site-based regeneration, increased building height and more compact forms of development

5.1.2. National Guidance and Section 28 Ministerial Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) – these revoke Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
 - In refining density to a particular site, Section 3.4.2 refers to consideration of character, amenity and natural environment. The evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities and the capacity of the area for change.
 - It will be necessary to consider the impact of a proposed development on the amenities of residential properties that are in close proximity to a development site. The key considerations should include privacy, daylight and sunlight, and microclimate. These considerations are addressed in more detail in Chapter 5 Development Standards.
 - SPPR1 minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.... In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

- Design Manual for Urban Roads and Streets (2013)

- 5.1.3. **South Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (-RSES).** This Strategy provides a development framework for the region through the integration of a spatial and economic strategy and environmental strategies.

Waterford City is part of the regional metropolitan area targeted for sustainable and compact growth particularly through objectives RPO 6, 7, 8, 9 and 10. The latter RPO aiming to achieve compact growth by prioritising housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.

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

Volumes 1 and 2

- 5.2.1. **Zoning:** The existing house site is in a residential zone RS where it is an objective ‘to provide residential development and protect and improve residential amenity.’ The green area to the north of the dwelling site is zoned open space and recreation OS where it is an objective ‘to preserve and provide for open space and recreational amenities.’ Part of the site outlined in red is located in this open space area.
- 5.2.2. **Housing:** Chapter 2 set outs the settlement strategy whereas objectives for strategic housing and sustainable communities are set out in chapter 7 and aim to promote compact form and highest standard of design so as to achieve high quality sustainable spaces. Relevant CDP objectives include **H02** (location, character and design and integration in accordance with specific guidance documents), **H05** (regeneration and redevelopment of urban areas), H18 (requires that all new residential development incorporates measures to enhance climate change including utilising SuDS and solar energy infrastructure) and most relevantly **H20** which states:

Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) we will ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected. We will support lower density type development at these locations. We will require that new development in more established residential areas respect and retain, where possible, existing unique features which add to the residential amenity and character of the

area, such features include front walls, gates, piers, railings, and stone/brick/render work

- 5.2.3. Housing Strategy & Housing Need Demand Assessment (HNDA) is required.
- 5.2.4. Storm water and Surface Water management: UTL 09 requires nature based solutions and sustainable drainage systems to minimise hard surfacing.
- 5.2.5. In volume 2 Section 3.4.2 refers to General Residential Development Design Standards – Table 3.1 provides the criteria for New Residential Development in Urban Areas. Table 3.2 stipulates the Minimum Private Open Space Requirements for Dwelling Units.
- 5.2.6. Table 3.1 Minimum separation distance criteria is
- Between directly opposing above ground floor windows, a separation distance of 22 metres should generally be observed for new, reciprocal overlooking housing, although this will also be informed by considerations such as topography, design, and housing type and mix. A reduction in this 22-metre separation distance may be considered appropriate where there is an innovative design approach to house and site layout design.
 - Innovative dwelling types, such as houses which have their main sleeping and living areas on one side, and circulation and bathrooms on the other, may allow for a reduction in this standard. Any window proposed at ground floor level should not be less than 1m from the boundary it faces.
 - Adequate separation distances, between directly opposing rear first floor windows, should be provided when extending existing dwellings at first floor level, to ensure the retention of adjoining residential amenity
- 5.2.7. **Site specific:** The road fronting the site is part of the Proposed Active Travel and/or public transport route.

Appendix 6

- 5.2.8. The site falls with the area to which **The City South West (Kilbarry/Ballybeg) Urban Design Framework Plan** applies. This is contained in Appendix 6. The overall aim is

- To ensure the development and enhancement of key nodes, landmarks and landmark buildings across the study area in a manner that creates a sustainable urban district.
- To develop a neighbourhood which is safe and sustainably connected.
- Avail of the unique opportunity to enhance and develop the profile of TUSE.
- To develop a vibrant and attractive mixed use neighbourhood centre focused around the Ballybeg Link Road.
- To ensure development is carried out in a design-led manner which prioritises place, permeability, liveability and mixed-uses.
- To enhance access to Waterford Nature Park and Kilbarry pNHA and develop resilient biodiversity and amenity assets/networks within the area.
- Provide a Design Brief and associated principles to guide the design and layout of new development within the Kilbarry/Ballybeg area. All new developments will be required to be consistent with the design brief and principles set out in Appendix Two.

5.2.9. The site is with the Kilbarry Lacken Neighbourhood character area where key objectives are to:

- Facilitate the provision of public services such as roads, water, wastewater, surface water and amenities space; **KLO1**
- Ensuring safe and easy access to Waterford Nature Park and RSC from a new looped walk which abuts the boundary of the pNHA and from existing and new residential areas; **KLO2**
- Ensure all existing and proposed streets/roads are consistent with the block layout, street hierarchy and building heights as shown in Figure 11, Figure 23 and the design brief and associated guiding design principles as set out in Appendix 1, refer to Figure 24 – 26 for further guidance; **KLO3**
- Develop a pedestrian and cycle route from residentially zoned lands east of the Lacken Road to the Tramore Road south of the Black Road at Carrigroe (which is outside the pNHA) and link with the John's River Walkway east of the Tramore Road; **KLO4**

- Rezone c.3.6 ha of land east of the Kilbarry Roundabout (by Tesco Ballybeg) and north of the proposed LIHAF Road from 'Residential' to 'Community Facilities' to facilitate a new school campus; **KLO5**
- Rezone c.3.6 ha of land west of the Lacken Road and north of the southern section of the LIHAF from 'Community Facilities' and 'Open Space' to 'Residential' to facilitate the construction of the new post primary school at KLO54. **KLO6**

6.0 EIA Screening

6.1. EIA Screening

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

7.0 Water Framework Directive Screening

- 7.1.1. The site is an urban serviced site with a single house. There is no watercourse on site. It is in a Flood Risk zone C but no history of flooding and no increase in risk of flooding based on the applicant's Flood Risk Assessment. The underlying Groundwater body Waste Facility (W0018-01) IE_SE_G_175 is poor status and at risk but there is no likely pathway due to connection to sewer networks and good construction practice. The nearest water course is ST JOHN'S_020 (Sub catchment Williamstown_SC_010) which has a Poor Status. Run-off in the area discharges to the Kilbarry Stream which appears to be in this catchment but is part of the public surface water drainage network. The lower Suir Estuary is the receiving surface water body of St John's and has a Moderate Status. (WFD Status 2019-2024) but is almost 3km away. The River Suir is identified as a Transitional Waterbody IE_SE_100_0550. See Appendix 4 for assessment screening matrix.

7.1.2. Having assessed the proposed development and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration and having further considered the nature, scale and location of the project, I consider that the proposal can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

7.1.3. The reason for this conclusion is as follows:

- the scale and infill nature of the proposal in an urban serviced area

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.

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8.0 Natural Heritage Designations

8.1.1. The nearest site is Special Area of Conservation: Lower River Suir SAC (site code 002137) which is 2.8km to the north.

9.0 The Appeal

9.1. Grounds of Appeal

9.1.1. Wayne and Walaipon Lee of Briot Grove in a residential area to south west of the development site, have submitted an appeal based on the following grounds:

- the proposed development remains visually incongruous and overbearing as compared to the previously refused development on the same site
- the development could be used as student accommodation or for multiple occupancy

- overdevelopment of the site in a small residential area

9.1.2. An elaboration on the grounds of appeal was outside the statutory timeframe and therefore invalid and was returned to the appellant party.

9.2. **Planning Authority Response**

No further comments.

9.3. **First Party Response**

- In the first instance the strategic benefits of the site location are highlighted in terms of access to services and compatibility with County Development Plan policy generally.
- The details which include a revised design in the further information address issues of height and amenities and access and overall scale to the satisfaction of the Planning Authority.
- The use is for private family residences and not short-term transient use.
- The proposal will accordingly not adversely affect the value of surrounding residential properties or character or amenity of the area.
- It is fully compliant with the County Development Plan criteria.
- It will have a positive impact on housing availability and for local families and will safeguard the residential character of the area.

9.4. **Planning Authority Response**

No further comment

9.5. **Observations**

None

10.0 **Assessment**

10.1. This case relates to an urban infill type development in the suburban environs of Waterford City and on a site that formed part of a previous application site

(amalgamated with the adjacent green space) on which a 5-storey student accommodation block was refused on grounds of overall standards and design and contravention of open space land use objective. The development is now substantially confined to the existing residential bungalow site. Having examined the application details and all documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive planning issues in this appeal to be considered are as listed:

- Principle of infill housing
- Density of development
- Impact on Residential Amenity
- Other matters

10.2. Principle of infill housing

- 10.2.1. The proposed housing is in a residential area which is zoned as 'Existing Residential, provide for residential development and protect and improve residential amenity,' in the Waterford City and County Development Plan 2022-2028 (CDP). Accordingly in terms of land use, the proposal is acceptable in principle.
- 10.2.2. The appellants argue that the proposal is much the same as the previously refused development in that the subject site similarly includes part of the adjacent public open space to the north. However, the proposal in this case does not in effect involve development of the public open space. Its inclusion is partial and serves only to provide access to foul and storm water sewers as required by the municipal area engineer of the County Council to meet its connection requirements. I do not consider the open nature and use of the lands will be altered other than temporary disruption during construction works. In the event of permission, a condition stating that the open space be landscaped and maintained as public open space would clarify this aspect of the development such that there would be no loss or material change in land use.
- 10.2.3. In terms of the principle of intensification, the proposed fivefold increase in houses from what presently exists, by way of an additional 4 dwellings in the curtilage of a

single residence inherently accords with national policy objectives for locating new homes within the urban footprint of city and suburban environs where access to services, amenities and employment areas are more readily available than a greenfield location. It more specifically aligns with National Planning Framework NPOs 8, 16 and 45 which include Waterford City and suburbs as a growth area for housing and employment and identify the role of the Waterford urban area in accommodating 40% of new housing as part its population expansion which is envisaged as being in the order of 28,000 by the year 2040. Infill sites are specifically identified as a means to delivering this. This is carried through in the CDP housing objectives promoting compact form. I refer to objectives H02 and H05.

- 10.2.4. Furthermore, in terms of meeting localised demand, the Housing Strategy Compliance report submitted as part the further information sets out how the housing mix and tenure meet with the Housing Strategy and Housing Need Demand Assessment in the County Development Plan. While a social infrastructure audit is not required for a development of this size being under 15 units, the site is well served by amenities such as school and transport and healthcare, and I am satisfied the provision of housing at this location accords with the CDP housing strategy.
- 10.2.5. In terms of site specific and local objectives, the site falls within The City South West (Kilbarry/Ballybeg) Urban Design Framework Plan as contained in Appendix 6 of the CDP. It is in the northern edge of the Kilbarry Lacken neighbourhood which generally comprises recently developed and undeveloped lands. I have examined the objectives for this plan and am satisfied that the principle of infill development at this location does not conflict with the achievement of the policies and aims of this framework plan.
- 10.2.6. Finally, the site is in a flood Risk Zone C where there is typically a low probability of flooding. As part of the supporting documentation the consulting engineers for the applicant have carried out a flood risk assessment (submitted 12/12/24) and the report concludes that the site is at a minimal risk of flooding. From investigations of flood data and site topography, there are no recorded flood events that have influenced the site in question or within the surrounding area of the site. With reference to OPW data there is little risk of Fluvial, Coastal, Pluvial & Groundwater flooding. It is therefore the consulting engineer's opinion that the risk of flooding at this site and the risk of flooding due to the development of this site in flood events is

minimal. I note the site layout incorporates a swale area alongside the Lacken road frontage and surface water run-off rates and connections to the sewers have been agreed in principle with the county council and Uisce Eireann. I am satisfied based on the information provided that the proposed development does not constitute a flood risk.

- 10.2.7. Subject to meeting development management criteria, I consider the development of the site for additional housing has the potential to contribute to the sustainable development of the neighbourhood and accord with the proper planning and sustainable development of the area.

10.3. Density of Development

- 10.3.1. The appellants hold the view that the proposed four additional dwellings constitute a form of over development of the site.
- 10.3.2. While I note that substandard development was a basis for the previous refusal, this is a considerably different type of development than previously proposed. A total of 5 of dwellings with floor areas greater than 104 sq.m. in single and two storey format is not comparable to a five-storey block of accommodation with 95 bed spaces.
- 10.3.3. The Compact Settlement Guidelines in compliance with the NPF Strategic Objective for compact urban form, provide guidance on achievable levels of density for urban areas in section 3. In this context the density is I consider quite low at less than 35 units per hectare. While the proposed density is low, this is due to the retention of a bungalow and large garden on the site which accounts for over 600sq.m. of the site resulting in a higher density in the residual development area. While a three-storey height permits more bedspaces and denser development, the proposed two storey houses bridge the height differences between the single storey neighbouring dwelling, bungalow on site and the two-storey houses directly to the rear as well as the housing development in the surrounding area. I do however note that the neighbourhood area in the newer developments to the south incorporates 3rd storeys with a dormer roof, but this is as part of a cohesive urban design. On balance, having regard to both the Compact Settlement Guidelines which highlight context and more specifically noting the CDP policy H20 wherein it is an objective that

‘Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) we will ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected. We will support lower density type development at these locations,

I consider the overall scale of development is appropriate to the size and its immediate context of medium to lower density housing. I therefore consider the low overall density on the site which retains a bungalow is acceptable in principle at this site.

10.3.4. In further support of this, I note the 3-bed house type, floor layout and overall site layout and provision of space which generously exceed minimum standards in terms of size and access to daylight. The issue of impact on neighbouring dwellings is addressed below.

10.4. Residential Amenity: Overlooking, overbearing and visual impact

10.4.1. The appellants are concerned about the overdevelopment of the site and incongruous nature and consequent overall adverse impact on residential amenities. While I note that the appellants submitted an elaboration of grounds of appeal that was invalidated and returned due the date of lodgement, the issues raised have been raised in detail in the submissions on file, the contents of which I have noted. I note that the appellants live on the road that backs onto the subject site, and I have had regard to potential direct impacts.

10.4.2. For reason already stated I consider a two-storey development to be acceptable in principle and to be compatible with topography and streetscape in the area. It is also a low-density type of development. Accordingly, the only substantive consideration are details of design and interface with the boundaries.

10.4.3. The proposed design has been amended by way of further information, and this has reduced both the height and depth of the proposed dwellings. The separation distance from the rear boundary has been increased to over 10m for three of the 4 new house which back onto Briot Grove. This is from a depth of 9m which when taken account of the existing dwellings Nos.1,2,3 and 4 Briot Grove backing onto the site, the separation distances at upper floor level between directly opposing

windows will be in the order of 22.2m (21m at ground and additional recess of 1.25m at first floor) whereas it had initially been in the order of 19.3m. The issue of directly opposing windows only relates to two dwellings. The first-floor depth is revised in further information from 13.98m to 12.55m and one bedroom replaces two in the first-floor layout which reduces sources of overlooking of the rear garden and neighbouring dwellings. One dwelling on Briot Grove that backs directly onto the public open space will have oblique mutual views with the proposed dwellings. Another dwelling that backs onto the neighbouring bungalow to the development site will also have oblique mutual views.

10.4.4. The CDP states that 22m distance between opposing upper-level windows should be generally observed and I note the Planning authority refers to the Compact Settlement Guidelines in appraising the directly opposing windows that would arise in respect of two of the existing properties. SPPR-1 of the sustainable Residential Development and Compact Settlement Guidelines for planning authorities (2024) requires a slight relaxation of the generally observed 22m distance in requiring 'maintenance of a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.'

10.4.5. Having regard to this SPPR, the proposed layout and separation distances are in accordance with the design guidance and do not constitute reasonable grounds for refusal. I do however note that mature evergreen trees along the boundary with Briot Grove are thinning at the lower levels, and the screening is reducing and therefore privacy may need to be protected by way of walls/fencing. As the tree boundary forms a distinctive feature, this needs to be approached sensitively to protect the character while also protecting privacy. Accordingly, I consider details of tree management and replacement where necessary with deciduous trees along the boundary and details of boundary treatment should be submitted for agreement in the interest of maintaining the character of the area, protecting visual amenity while also protecting privacy.

10.4.6. On balance, having regard to the scale and massing of the proposed two storey development which has been considerably reduced as a consequence of the revised designs and layout, I do not consider the proposed development to be out of scale or character with the surrounding area and therefore would not constitute an incongruous form of development. Accordingly subject to conditions it would not detract from residential amenities of the area

10.5. **Other Matters**

10.5.1. With respect to concerns about the potential manner in which the properties may be occupied, this is a matter for the planning authority to regulate. The application is for dwellings, and the applicant has stated the houses are intended for family use and this is all that can be assessed. A condition of permission clarifying single occupancy would further safeguard this use. Otherwise, restriction on speculative use is outside the scope of reasonable consideration.

10.5.2. With respect to traffic issues raised in the submission to the planning authority, I do not consider the traffic generated by four additional dwellings to be significant. The widening of the entrance and provision of improved sightlines which will be aided by the removal of a high wall, will improve the existing entrance arrangement. I note that the final delineation of the boundary is required to satisfy the requirements of the area engineer/ planning authority. I do not consider the generation of traffic and associated hazard or nuisance to constitute grounds for refusal.

10.6. **Conditions**

10.6.1. The planning authority has attached 20 conditions, and most are of a standard nature. There is some grouping of different issues under single conditions and some overlap and so these could be rationalised in format without compromising the adherence to required standards. I consider the emphasis on surface water management in light of arrangements and agreement on greenfield run-off rates to be important. Similarly, I agree that the boundary treatment along the road frontage merits further clarity given its public realm context at a strategic point and along a route where active travel is intended to be provided for in the CDP.

11.0 AA Screening

- 11.1. An AA Screening exercise has been completed. See Appendix 3 of this report for further details.
- 11.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 11.3. This conclusion is based on:
- Objective information presented in the applicant's reports.
 - The limited zone of influence of potential impacts.
 - Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
 - Distance from European Sites.
 - The limited potential for pathways to any European site and
 - The nature and extent of likely impacts, which would not affect the conservation objectives of any European Sites.
- 11.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

12.0 Recommendation

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

Reasons and Considerations

Having regard to:

- the location of the proposed housing within a large residential site which is zoned residential in the Waterford City and County Development Plan 2022-2028 which seeks to 'provide for residential development and protect and improve residential amenity,'
- the policies and objectives of the Development Plan 2022-2028 including the criteria set out in Table 3.1 of Volume 2.
- National policy and guidance as contained in Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities Design Manual for Urban Roads and Streets (DMURS) (2013) issued by the Department of Housing, Local Government and Heritage,
- the nature, scale and design of the proposed development and the pattern of existing and permitted development in the area,
- the availability in the area of a wide range of social, community, and water services infrastructure and
- the submissions and observations received in connection with the planning application and the appeal,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

- 1) The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the documents/drawings received by the Planning Authority on the 27th 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) Prior to the commencement of development, the applicant shall submit the following for the written agreement of the planning authority prior:
- a) Site layout and elevation drawings showing the provision of a railed boundary along the public road and public space frontage of the site.
 - b) Details of all materials, finishes and design of all boundary treatment and screen walls for rear garden areas.
 - c) Details of tree management and replacement along the western site boundary.

Reason: In the interests of amenities of existing and adjacent properties and to ensure provision of safe and demarcated private gardens and semi-enclosed communal open spaces.

- 3) (a) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. The developer shall ensure that the storm water outfall and attenuation system is completed prior to the roofing of any units.
- (b) Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Details shall be in accordance with the Sustainable Urban Drainage Systems standards as listed in objective UTL 09 Storm and Surface water Management of the Waterford City and County Development Plan 2022-2028 and any deviance from these standards shall be subject to written agreement prior to commencement of any development on site.

(c) Upon completion of the surface water drainage system a certificate of compliance by suitably qualified profession with indemnity insurance shall be submitted to the Planning authority certifying compliance of the SuDS measures with the required standard.

Reason: In the interest of public health.

- 4) Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

- 5) Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

- 6) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

- 7) All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 8) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters with details, in particular, of managing storm water at all stages of roof and guttering construction, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

- 9) Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

- 10) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for safe access of construction traffic, parking during the construction phase, the location of the

compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

(c) The developer shall be responsible for the provision of a traffic yield sign and appropriate road markings, details of which shall be submitted to the planning authority for written agreement prior to commencement of development on site.

Reason: In the interest of traffic and pedestrian safety.

12)(a)The landscaping scheme as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(b) The open space area to the north of the site shall be reinstated as open space prior to occupancy of any of the proposed dwellings.

Reason: In the interest of residential and visual amenity.

13) Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14) 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 Bord Pleanála to determine the proper application of the terms of the Scheme

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

15) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary

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.

Suzanne Kehely
Senior Planning Inspector
21st October 2025

Appendix 1 - EIA Pre-Screening – Form 1

An Bord Pleanála	ABP-323071 - 25		
Case Reference			
Proposed Development Summary	4 houses on an urban infill site.		
Development Address	Lacken Road, Kilbarry, Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) 'Construction of more than 500 dwellings units' Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	45 no residential units (as amended by FI) and 2 commercial ground floor unit all on a 'town core' site of 0.241 ha.	Preliminary examination required (Form 2)

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

Inspector: _____

Date: _____

Appendix 2 - EIA Preliminary Examination – Form 2

An Bord Pleanála Case Reference	ABP-323071 - 25
Proposed Development	4 houses on an urban infill site.
Development Address	Lacken Road, Kilbarry, Waterford
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development involves construction of four dwellings alongside a bungalow within its curtilage and in an urban serviced area.</p> <p>This reinforces the emerging urban character –.</p> <p>Construction materials will be typical of an urban environment, and any construction impacts would be local and temporary in nature, and the implementation of a standard Construction Management Plan will satisfactorily address potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan.</p> <p>The site is not at risk of flooding.</p> <p>There are no SEVESO/COMAH sites in the vicinity of this location.</p> <p>The site coverage of about 15% represents a modest intensification of building footprint and does not involve the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health. Issues of amenity are addressed in the planning assessment.</p>

Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is not located within a designated protection area for a natural landscape, habitat or any species. The proposed development is considered to be in accordance with principle of development with no likely significant environmental effects.</p> <p>The development will implement a swale system which will control surface water run-off.</p> <p>The site is served by a local urban road network the subject of planned active travel policies which would likely be available to future residents. Vehicular traffic impact is likely to be negligible.</p> <p>Impacts on water quality will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.</p>		
Types and characteristics of potential impacts (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>Having regard to the nature of the proposed development, its location relative to sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>		
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No	
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No	

There is a real likelihood of significant effects on the environment.	EIAR required.	No
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Screening Determination

1. Description of the project

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

The proposal is for a small-scale infill development in a serviced urban area. The site is occupied by a single dwelling and is low density. The development comprises 4 additional residential units. No Demolition works are proposed as part of the development. A detailed description is set out in Section 2 of this report. Appendix 4 also includes surface water management proposals in detail.

Foul Water Management - Foul effluent discharge to which is licensed to discharge treated effluent by the EPA and is managed by Irish Water.

Surface / Storm Water – In addition to connecting the public surface water drainage system, A SuDs type surface water drainage system is proposed. The FRA concludes that site has no recorded history of flooding and there is no increased risk to any nearby properties.

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

Construction Management Plan – Details of the construction phase as well as environmental pollution control measures are submitted with the application and will be reviewed and updated / revised as necessary throughout the construction phases. Environmental control measures are provided with regard to noise, dust, light, litter (waste) and control measures to prevent impacts upon soils, ground water and surface water.

The site is not located within any Natura 2000 site (SAC or SPA) . The closest to one is Lower River Suir SAC Special Area of Conservation (Site Code: 002137) approx.. 2.8km north of the site. Connection would be via the Kilbarry surface water stream which feeds into the river catchment.

The nearest waterbodies of open water in proximity are about 280m north east and beyond as part of the Waterford Nature Park. The site is 2.88km West of the Williamstown Golf Course Ponds – a Wetlands Area Habitat.

The site is 7.58km North of the Tramore Back Strand SPA Special Protection Area (Site Code: 004027)

Given the established urban nature of this small site there is little or no opportunity for habitats which could be considered significant for the above SAC or other sites.

2. Potential impact mechanisms from the project

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

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

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

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

Construction Phase

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

Operational Phase

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

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

3. European Sites at risk

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

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

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

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

**Special Area of Conservation: Lower River Suir SAC site code 002137 c
2.8km to the north.**

Qualifying Interests -

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

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

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

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

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

Taxus baccata woods of the British Isles [91J0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Austropotamobius pallipes (White-clawed Crayfish) [1092]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Lampetra fluviatilis (River Lamprey) [1099]

Alosa fallax fallax (Twait Shad) [1103]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

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

The following criteria are considered to satisfactorily capture the potential effects of the proposed development on European sites

- 1) Habitat loss or alteration
- 2) Habitat/species fragmentation
- 3) Disturbance and/or displacement of species

- 4) Changes in water quality and resources
- 5) Changes in population density

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

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

Changes in Water Quality and Resource

Surface Water – As the site is already partially composed of hard standing and the site will be served by the public surface water drainage system impact is unlikely to be significant. In addition, the proposed development incorporates measures to treat and attenuate surface water runoff to further reduce the negligible potential for surface water impacts. Potential for impacts to water quality and resource for European sites from surface water runoff or drainage from the Proposed Development is very unlikely.

Foul Water - The proposed development will be served by a separate foul sewer during its Operational Phase. The increase of the PE load at the facility as a result of the proposed development is considered to be an insignificant increase in terms of the overall scale of the facility. Uisce Eireann has indicated capacity.

Disturbance and/or Displacement of Species – Given the distance from the River where water dependent species are based no likely significant effects associated with disturbance or displacement of these species are likely to occur. Furthermore,

the site of the proposed development does not provide any significant suitable ex-situ habitat for SCI species of any SPAs in the wider area catchment and no likely significant effects associated with disturbance or displacement of SCI species are likely to occur.

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

Construction Phase - The construction phase will be temporary. The development would be subject to a standard Construction Management Plan. Such mainly relates to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment above I would accept that the potential for significant surface water effects would be minimal and that during the construction phase these would be satisfactorily addressed by these standard measures.

Operational Phase - For the operational stage, the surface water drainage network has been designed as an improvement on the existing serviced site with provision for SuDs measures although there is reference to non-compliance by agreement with run-off rate. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion improved run-off control measures.

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

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

These measures are I consider best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Preliminary Construction Management Plan and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

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

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

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

As there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

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

6. Overall Conclusion- Screening Determination

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

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

This conclusion is based on:

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

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

Appendix 4			
WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref.	ABP- 322875	Townland, address	Lacken Road, Kilbarry, Waterford
Description of project		<p>4 houses on an urban infill site.</p> <p>The engineering Services Report describes the context of site services and proposals. It refers to discussions with the county council as referenced in the planner's report.</p>	
Brief site description, relevant to WFD Screening		The site is a low density single house site in a serviced urban area.	
Proposed surface water details		<p>Propose to discharge to existing 900mm diameter public surface water sewer north of the site.</p> <p>In order to incorporate SuDS as part of the development a flow rate of 14.0 l/s was chosen so that the site would attenuate the surface runoff in the event of a 1 in 100-year storm event, easing the strain on the public water stream which is at the Kilbarry Civic Amenity site 350m downstream.</p> <p>SuDs Measures</p>	

	<ul style="list-style-type: none"> - Swales, Filter Drains, Infiltration trenches: Swale and Filter drains are proposed to one side of the main roadway within the development. - Permeable Paving: Permeable paving is proposed for the overall extent of the house driveways - Petrol Interceptor: It is proposed to route all surface water runoff through a class 1 petrol interceptor prior to discharge. - Surface Water Attenuation: Attenuation storage is achieved through the use of a Swale. - Site Run-off Rates - It was agreed with the County Council Drainage department that run-off from the site was not required to be controlled to the greenfield run-off rate. A 14.0 l/s flow rate is incorporated into the L&D design in order to provide attenuation in the event of a 1-100 year storm event <p>Swale and filter drain: A dry swale is included in the SuDS proposals: This is a vegetated conveyance channel that is designed to include a filter bed of prepared soil that overlays a drainage system. The underdrain filter drain provides additional treatment and conveyance beneath the base of the swale. We have included an impermeable membrane to the filter drains as the infiltration rate of the site is unknown. The underground drain also acts as to distribute additional runoff beyond the allowable site run-off rate in the event of a 1 in 100-year storm.</p>
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Water supply			Public Water Mains.				
Proposed wastewater treatment system & available capacity, other issues			To foul sewer.				
Other matters			The planning authority concluded that the proposed development will not give rise to significant effects for objectives under Water Framework Directive given that no High Status Objective Waterbodies were found within 1km of the site.				
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	
St John Stream	350m north	ST JOHN'S_020 Code:IE_SE_16S030600		At risk	Urban run-off	Potential increased loading surface water sewer	

		Subcatchments: 16 19 Williamstown SC_010				connection which discharge to the catchment (see Engineering Services Report (12/12/24) as submitted with application. Section 2 deals with surface water drainage)
The lower Suir Estuary is the receiving surface waterbody. It is identified as a Transitional Waterbody	Approx. 2.8km northeast	Lower Suir Estuary IE_SE_100_0550	Moderate (WFD Status 2016-2021).	at risk	No pressures in this catchment	None.
Groundwater	Underlying site	Waste Facility (W0018-01) IE_SE_G_175	Poor	at risk	waste	None.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

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	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage2.
1.	Dust dispersion during earthworks	St John's Stream	Potential for airborne pathway / indirect impact	Surface water pollution minimal, if any		No	Screened out
2.	Soiled water contaminating run-off						Screened out in view of SuDs measures before

							discharging to a public surface water sewer system and scale of development.
OPERATIONAL PHASE							
3.	Soiled water contaminating run-off discharge to sewer	As above	Potential for hydrological pathway and indirect impact via surface water drains	None		No	Screened out As above [See determination within Section 7 of report].
DECOMMISSIONING PHASE N/A							