



An
Coimisiún
Pleanála

Inspector's Report ACP-323907-25

Development	10-Year Planning Permission for a Large Scale Residential Development (LRD) of 243 no. dwellings and 1 no. childcare facility. A Natura Impact Statement (NIS) was submitted with this application
Location	South of Lacken Wood Residential Estate and east of Lacken Road, in the townland of Kilbarry at Lacken Road, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560638
Applicant(s)	Belindere Homes Limited
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Belindere Homes Limited
Observer(s)	Bryan Prendergast Kevin Fitzgerald

Serena Cheevers

Gordon Kelleher

Emmet Gaule

John Phelan

Thomas Durney

Proinsias Murchu

Date of Site Inspection

5th February 2026

Inspector

Emma Nevin

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1.0 Introduction

- 1.1. This is an assessment of an application for a proposed large-scale residential development (LRD) submitted to Waterford City and County Council under the provisions of the Planning and Development Act 2000, as amended (hereinafter referred to as 'the Act'). This application was refused permission by the Planning Authority and subsequently appealed by the applicant to An Coimisiún Pleanála.

2.0 Site Location and Description

- 2.1. The subject site is a greenfield site, with an overall area of 7.8 ha., and is located on the southern periphery of Waterford City. The site is located adjacent to Lacken Road, to the south of the Lacken Wood housing development and to the east of Kilbarry Nature Park. There is an existing residential dwelling, with associated farm to the east, a commercial garden centre to the west, and row of detached dwellings fronting Lacken Road, also to the west. To the south are greenfield lands in agricultural use.
- 2.2. The site is presently accessed via an existing agricultural laneway to the west. This laneway access from Lacken Road leading into the proposed development site from the west, will be maintained and utilised as a secondary pedestrian access, with part integrated within the proposed development's internal central road network. Access to the site is proposed via the Lacken Wood housing development to the north of the site and includes a section of new road from the existing public road to the north of the site.
- 2.3. The site is currently in agricultural use. Several horses were present on site at time of inspection. The neighbouring land to the east and south is used for agricultural purposes, associated with the existing residential dwelling on the land to the east and south. The house and its associated outbuildings will be retained and are in separate ownership.
- 2.4. The proposal includes the demolition of two existing farm buildings on the land.

3.0 Proposed Development

- 3.1. The proposed development comprises of the following:

Demolition Works

- Demolition/removal of 2 no. agricultural structures (totalling approximately 389.34 sqm gross floor space) comprising a barn (215.71 sqm) and shed (173.63 sqm).

Construction Works

- A total of 243 no. dwellings consisting of **99 no.** terrace apartment/duplex apartment dwellings including 66 no. one bedroom apartment units at ground floor and 33 no. two bedroom duplex apartment units over first and second floor, **20 no.** apartment/duplex apartment dwellings (arranged over 10 no. buildings ranging in height between one and three storeys totalling 1,969.8 sq. m gross floor space) which incl. 10 no. two bedroom apartment units at ground floor and 10 no. three bedroom duplex apartment units over first and second floor, **48 no.** two storey three-bedroom semi-detached dwellings and **76 no.** two storey four-bedroom semi-detached dwellings.
- A childcare facility (310.26 sqm gross floor space) ranging in height between one and two storeys, ancillary enclosed private outdoor play area.

Ancillary and Supporting Works

- Primary vehicular and pedestrian access to the proposed development will be provided via a culverted watercourse road crossing extending from the existing Sycamore Avenue/Oak Drive/Ash Square road south of Lacken Wood Residential Estate. Secondary pedestrian access will be provided to Cherry Drive/Sycamore Avenue road of Lacken Wood Residential Estate.
- The existing agricultural laneway access from Lacken Road leading into the proposed development site from the west, will be maintained and utilised as a secondary pedestrian access, with part integrated within the proposed development's internal central road network.
- Boundary treatments, public open spaces, hard and soft landscaping, roads and pedestrian walkways, public lighting, pedestrian accesses/permeability routes, services (incl. new underground foul pumping station with overground controls, and sustainable urban drainage measures incorporating constructed wetland attenuation ponds), bin and bicycle storage facilities, and all other

ancillary and associated site development works above and below ground level.

3.2. Key Development Statistics are outlined below:

Table 2.1: Key Figures of the Proposed Development

No.	Item	Unit
1.	Site Area	7.85 ha
2.	Total Gross Floor Space of Proposed Development	23,853.36 sq m
3.	Total No. of Residential Units (dwellings)	243 no.
4.	Childcare Facility (310.26 sq m Gross Floor Space)	1 no.
5.	Overall Residential Density	39 no. per ha
6.	Proposed Public Open Space Provision (18%)	11,227.14
7.	Proposed High Amenity Space	15,665.31
8.	Proposed Pocket Parks	799.72
9.	Private Open Space Per 4 Bed Semi Detached	53.46 sq. m (50 sq. m Min)
10.	Private Open Space Per 3 Bed Semi Detached	53.58 sq. m (50 sq. m Min)
11.	Private Open Space Per 2 Bed Corner Apartment	22.17 sq. m (6 sq. m Min)
12.	Private Open Space Per 3 Bed Duplex Apartment	19.82 sq. m (9 sq. m Min)
13.	Private Open Space Per 1 Bed Terrace Apartment	11.07 sq.m (3 sq. m Min)
14.	Private Open Space Per 1 Bed Terrace Apartment	10.72 sq. m (5 sq. m Min)
15.	Private Open Space Per 2 Bed Terrace Apartment	23.15 sq. m (7 sq. m Min)

3.3. The application was accompanied by the following technical reports, appendices and drawings:

- Planning Statement, dated 4th September 2025, prepared by The Planning Partnership.
- Planning Drainage Report, dated 7th July 2025, prepared by The McKenna Pearce Practice Consulting Engineers.

- MckP Cover Letter and updated Uisce Éireann Confirmation of Feasibility (20 August 2025), dated 29th August 2025, prepared by The McKenna Pearce Practice Consulting Engineers.
- Foul Water Pump Sump- Proposal, dated 28th August 2024, prepared by Molloy Environmental Systems.
- Traffic and Transport Assessment, dated July 2025, prepared by Stephen Reid Consulting Traffic and Transportation.
- Stage 1 Road Safety Audit, dated December 2024, prepared by Traffic Road Safety Engineering.
- DMURS Compliance Report, dated July 2025, prepared by Stephen Reid Consulting Traffic and Transportation.
- Mobility Management Plan, dated July 2025, prepared by Stephen Reid Consulting Traffic and Transportation.
- Part 1 Stage 1 Screening for Appropriate Assessment, dated 28th July, prepared by Russell Environmental and Sustainability Services Limited.
- Part 2 Natura Impact Statement, dated 28th July, prepared by Russell Environmental and Sustainability Services Limited.
- Ecological Impact Assessment (EclA), dated 11th March, prepared by Russell Environmental and Sustainability Services Limited.
- Archaeological Desktop Assessment, dated July 2025, prepared by Shanarc Archaeology.
- Housing Quality Assessment, dated 24th July 2025, prepared by The Planning Partnership.
- Outdoor Lighting Report, dated 12th August 2025, prepared by VeeLite.
- Concept Design Strategy, dated August 2025, prepared by The Big Space.
- Construction Environmental Management Plan (CEMP) and Construction Waste Management Plan (CWMP), dated July 2025, prepared by Enviroglan.
- Preliminary Construction Traffic Management Plan, dated July 2025, prepared by Enviroglan.

- Housing Needs and Demand Assessment, dated 24th July 2025, prepared by The Planning Partnership.
- Community and Social Infrastructure Assessment, dated 24th July 2025, prepared by The Planning Partnership.
- Climate Resilient Housing Plan, dated 24th July 2025, prepared by The Planning Partnership.
- Outline Operational Waste Management Plan, dated 24th July 2025, prepared by The Planning Partnership.
- Sustainable Residential Development and Compact Settlements Guidelines Compliance Report, dated 4th September 2025, prepared by The Planning Partnership.
- Environmental Impact Assessment Screening, dated 4h September 2025, prepared by The Planning Partnership.
- LRD Opinion Compliance Statement, dated 4th September 2025, prepared by The Planning Partnership.
- Part V Agreement.

4.0 Planning Authority Pre-Application Opinion

4.1. Pre-application consultation meeting

- 4.1.1. The Planning Authority refer to pre-application ref: 2024/02: 10-Year Planning Permission for the construction of a mixed use development (220 no. dwellings and 1 no. childcare facility, all totalling 23,325.4 sq. m. gross floor space) at a site of approximately 7.64 hectares located in the townland of Kilbarry at Lacken Road, Kilbarry, Waterford.

4.2. Planning Authority Opinion

- 4.2.1. In the Notice of LRD Opinion dated, the Planning Authority is of the opinion that the documentation submitted requires further consideration and/or amendment to constitute a reasonable basis for an application for permission for the proposed LRD under section 34 of the Act. The following is of note:

- It is the opinion of the Planning Authority that there is a conflict between the traffic/access from the existing farm through the residential development and that the proposal as submitted is premature until such a time as it is demonstrated that the site can be developed without traffic from the farm traversing the site. As per the submitted phasing proposal 'phase 4' is considered premature (69 units).
- The Planning Authority has no objection to a revision to the layout which excludes 'phase 4' at this time and does not include the existing identified right of way as part of the development site i.e. development of the lands to the north of the right of way for residential development.
- The right of way should not be included in any revised site boundary; the estate road may bound the existing right of way but there shall not be a shared roadway. Please ensure the density of the remaining phases of development accord with the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Prepared by the Department of Housing, Local Government and Heritage 2024' – noted the layout as submitted achieves 39 units per hectares which the Planning Authority considers an appropriate density having regard to the site location and the aforementioned guidelines.
- The surface water strategy for the site shall be suitably sized for the revised development with provision made for alterations to accommodate the omitted lands at a future time.
- The layout should be reconsidered in consultation with Environment Section, Waterford City & County Council to provide a pathway and pedestrian link at an agreed location from the development site to the Nature Park to the east of the site. This should form part of the application for planning permission.

4.2.2. The opinion also includes a list of 25 no. items of specific information to be submitted with any application for permission.

4.3. **Applicants Response to Opinion**

4.3.1. The application includes a LRD Opinion Compliance Statement. Section 3 of the applicant's Statement outlines how the application is considered to comply with the

respective requirements listed in the Planning Authority's opinion. Section 4 notes the LRD Legislation.

- 4.3.2. The applicant concludes *"The proposed development has benefited from an extensive pre-application and design development process, in the form of Section 247 meetings and Section 32C LRD Meeting. Key issues as emerged include: Access/Road and Footpath Infrastructure; Consequential Effect on Farmyard; Creche/Childcare Facility; Landscaping; Drainage; Ecology and Design/Layout. The design development process has been ongoing and iterative, in which these issues were carefully considered by the Design Team to create a detailed and refined proposal. Following consideration of the issues raised during the pre-application consultation process, Waterford City and County Council has expressed that they are of the opinion that the documentation submitted constitutes a reasonable basis on which to make an application for permission for the proposed LRD. We trust that this LRD Opinion Compliance Statement has sufficiently demonstrated that the proposed development is compliant with regard to the additional specific information requested by the Local Authority and can be of benefit in making a favourable decision on this application"*.

5.0 Planning Authority Decision

5.1. Decision

- 5.1.1. The Planning Authority refused planning permission for the proposed development on 6th November 2025 for three reasons, as follows:

1. *"Policy Objective Trans 09 of the Waterford City and County Development Plan 2022-2028 seeks to "ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands", Policy Objective Trans 33 seeks to "ensure that the planning, design and implementation of all road/street networks across the city and county accord with the principles set out in the Design Manual for Urban Roads and Streets (2020)" and Housing Policies and Objectives H02 seeks that new residential developments are designed and in accordance with the Design Manual for Urban Roads (DMURS). The*

Transport and Traffic Assessment and Mobility Management Plan state that the development allows for upgrades to the existing footpath, new footpaths and provision of a cycle path to adjoining public roads and the submitted DMURS Compliance Report states that the development includes these works. The works identified in the Transport and Traffic Assessment, Mobility Management Plan and DMURS Compliance Report are outside of the site boundary and do not form part of the proposed development. The Planning Authority is not satisfied on the basis of the information provided with the application that the proposal as submitted complies with the Design Manual for Urban Roads (DMURS), the proposed development if permitted would materially contravene Policy Objective Trans 09, Policy Objective Trans 33 and Housing Policies and Objectives H02 of the Waterford City and County Development Plan 2022-2028 and would be contrary the proper planning and sustainable development of the area.

- 2. It is the opinion of the Planning Authority that the agricultural traffic movement from the existing farm via the residential development as proposed would endanger public safety by reason of traffic hazard owing to a potential conflict between agricultural traffic movements and vehicle and pedestrian/cyclist movements on site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. The Planning Authority is not satisfied on the basis of the information submitted with the application that the proposed development would not detract from the residential amenity of existing residential properties, with particular reference to the existing single storey dwelling to the southern section of the site which is accessed via the existing private roadway, owing to the relationship of the proposed dwellings to the existing property”.*

5.2. Planning Authority Reports

- 5.2.1. The Planning Report dated 5th November 2025 reflects the decision of the Planning Authority and can be summarised as follows:

Zoning

- The site overlaps 3 no. of zonings as designated in the Waterford City & County Development Plan 2022-2028. Having regard to the land use zoning matrix contained in the Development Management Standards (Volume 2) of the Waterford City & County Development Plan 2022-2028 and the nature of the works contained area zoned 'open space' and high amenity it is considered that these elements of the proposal are not contrary to the zoning objectives.
- Reference is made to SPPR1, SPPR2 and SPPR3.

Density

- Planning permission is sought for 243 no. of residential units which equates to a density of 39.1 units per hectares. In accordance with Table 3.2 of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' the recommended density of development for 'Suburban/Urban Extension' in the range of 35 dph to 50 dph (net). The proposed density is at the lower end of this range however having regard to the site context it is considered the proposed density is in line with the requirements of the 'Sustainable Residential Development and Compact Settlements Guidelines (2024)'.

Housing Mix

- The percentage of 1 and 2-bedroom units is 44.8%. Having regard to the site's suburban location, the proposed unit mix is a suitable response to the site's location and objectives of the plan.

City South West (Kilbarry Ballybeg and Lacken) Design Framework (Appendix 6 of the Waterford City & County Development Plan 2022-2028)

- Appendix 6 of the Waterford City & County Development Plan 2022-2028 contains a design framework for the City South West Neighbourhood: Kilbarry and Ballybeg. The proposal provides for a future connectivity to Kilbarry Nature Park and cycle and pedestrian connectivity to adjoining lands to the south.

- The planner notes that the access points to the larger landbank are indicative only.

Social Infrastructure

- The development includes a creche which will cater for the development and the wider area.
- The planner notes that the site is reasonably well serviced in respect of social/recreational/commercial infrastructure.
- The development of the lands will ensure the efficient and increased use of existing and planned services in the area, services which are dependent on a critical mass of population to remain viable and to justify the creation of additional services.

Open Space

- The proposal provides 18% open space within the lands zoned residential, which accords with the development plan standards and exceeds the recommendations of the compact settlement guidelines however, it is noted that a large section is provided as part of the SuDS measures and a wetland area. There is a larger area of open space to the east of the site on the high amenity zoned lands which will allow for pedestrian connectivity to the Kilbarry Nature Park to the east of the site.
- In terms of layout, the planner notes that the only area of open space to the south of the site is a strip of open space running along the southern boundary of the site opposite Sites 171 to 184 and to the side of Site 57. A large section of the open space to the north of the site will comprise SuDS ponds/wetlands however, the high amenity lands will provide an amenity spaces/walkway which will allow for pedestrian access to the Kilbarry Nature Park and potential a walkway which may extend further south.

Amenity Layout

- Sites 225 to 234 are 2-storey which back onto the existing single storey property. The layout plan indicates a separation distance of c.50m between the rear building line of the single storey dwelling and the proposed rear building line of the dwellings at that location. The finished floor level of

dwellings to the north of the single storey property are positioned at a lower gradient, however additional details are required in relation to how the difference in levels will be dealt with. The relationship between the development and the existing single story property accessed from the private lane is not clearly demonstrated on the submitted section drawings.

Roads/Access

- Access to the site is via the road serving Lacken Wood with a new section of road proposed to the north of the site from the existing public road through an area of open space. The new road will include a culvert over an existing watercourse. The application is accompanied by a Traffic and Transport Assessment, Mobility Management Plan, DMURS Compliance Report and Roads Safety Audit.
- The internal roads have been designed to have regard to DMURS and residential development Guidelines and Development Plan standards.
- The Traffic and Transport Assessment (TTA) concludes that the junction modelling on the Ballybeg Drive Roundabout has “adequate capacity to accommodate the post development traffic flows in the future design year of 2050”.
- In respect to the existing roads, the planner notes that the site boundary does not extend to include the existing public road to the north of the site and works to the existing road.
- The submitted assessments identify works that have not been included as part of the proposal. The TTA and MMP state that the proposal allows for the works whereas the DMURS compliance report states that the development includes the works.
- The suitability of the Lacken Road and the private lane to accommodate construction traffic is raised in observations/submissions on file.
- The developer was informed in the LRD Opinion (Point No.1 of areas require further consideration and/or amendment) that it was the opinion of the Planning Authority “that there is a conflict between the traffic/access from the existing farm through the residential development and that the proposal as

submitted is premature until such a time as it is demonstrated that the site can be developed without traffic from the farm traversing the site.” It was advised that it was considered that ‘phase 4’ is considered premature and that there was no objection to a revision to the layout which excludes ‘phase 4’, it was advised that the right of way should not be included in any revised site boundary, the estate road may bound the existing right of way but there shall not be a shared roadway.

- The proposal has been reviewed by Roads Section, Waterford City & County Council and raise a number of areas of concern relating to the proposal one of which is compliance with DMURS.

Infrastructure

- Water & Wastewater Connections - Confirmation of feasibility from Uisce Eireann in relation to water and foul drainage connections provided.
- Surface water runoff from the development will discharge to 3 no. of constructed wetlands which will ultimately discharge to Kilbarry Bog.
- In the event of the grant of planning permission an appropriate condition shall be attached in relation to planting of appropriate wetland aquatic planting (Point No. 1 of the specific information to be provided with the application stated that “Full planting schedule and ongoing maintenance plan for the wetlands shall be provided.” The landscape plan details provided with the application do not provide a full planting schedule for wetland aquatic planting.
- In respect of the Kilbarry Bog pNHA, the planner references the report received from the Heritage Officer, as follows “the flow into Kilbarry Bog pNHA will not be increased or decreased and is proposed for a discharge rate at 3l/s/ha with a value of 15l/s for the whole area of the site (5ha). Given concerns for the trend of changing hydrology causing drying out of Kilbarry Bog pNHA, a reduced flow rate into St John’s River would adversely affect the hydrology of the bog. Ground water recharge is lower than required to maintain the appropriate amount of water inflow to the wetland site to prevent accelerated succession to Carr woodland (Ecosystem Services (2022). Following discussions with Waterford City and County Council (March 2025)

and in the absence of a Hydrology and Catchment Management Plan for the St. John's Catchment the projected flow rates were agreed.

- The planners' report also referenced that surface water from the development will ultimately discharge to Kilbarry Bog pNHA. This was noted in the report received from the Heritage Officer.

Site Specific Flood Risk Assessment

- An area of the overall site includes lands identified in Flood Zones A and B. These zones are located to the east in the lands zoned high amenity. The SuDS 'pond 3' is located adjacent to Flood Zone A and the remainder of the identified flood zones A & B are to the south of the pond.
- An assessment of flood risk is included in 'Planning Drainage Report' submitted with the application. The submitted report references the flood zones and the location of 2 no. existing springs on site which are located outside of the building footprint, and it is stated that any flows will be maintained into the wetland via 2 no. of filter drains under the cycle paths towards the wet woodland / reed area. Having regard to the aforementioned it is considered no further flood assessment warranted in this instance.

Part V

- A Part V site plan has been submitted and a copy of correspondence with Housing Section, Waterford City & County Council in relation to Part V dated the 15th July 2025 has been submitted with the application.

Childcare Facility

- The proposed creche has a stated floor area of 310.26sq.m which will cater for 40 children. The facility includes 372.17sq.m of outdoor play area and 18 no. of car parking spaces. It is stated in the details accompanying the application that a dedicated setdown area is provided however same not identified in the submitted drawings. It is noted that the access road to the facility is a cul de sac road that serve the facility only.

Boundary Treatment

- The boundary to the outer site boundary with the adjoining residential properties will consist of a 1.8m high concrete post and panel fence with reinforced concrete wall at base to account for any difference in levels. The submitted details do not clearly indicate existing hedges/hedgerows to be retained at the boundary with adjoining properties to the west of the site. In the event of the grant of planning permission an appropriate condition can be attached requiring proposed boundary treatment to be located to the development side of existing hedges/hedgerows. Additional section drawings to be requested at locations where the proposed ground levels on site are reduced adjoining site boundary.

Landscape

- A 'landscape report' and landscape plans for the entire site provided. Additional mown grass areas should be provided to the northern section of the site.
- Additional section drawings to be submitted prior to the commencement of development in relation to existing and proposed levels adjoining the water course either side of the location to be culverted.
- An Ecological Impact Assessment (EclA) has been submitted with the application which identifies the various ecological features throughout the site. The assessment evaluates the importance of the features, the predicted impacts and includes mitigation recommendations.
- In relation to bats, it is noted that dusk and dawn surveys were not completed. The planner recommends that any tree removal or cutting back of tree lines/hedgerows be undertaken during bat hibernation period. It is recommended that bat sensitive lighting be implemented for the development and all lighting during construction should be directed away from tree lines.
- The EclA has been reviewed by the Heritage Officer.
- As expressed in the Heritage Officer comments it is the opinion of the Planning Authority that, "subject to the successful implementation of these measures, it can be concluded that the proposed development will not cause

any significant negative impacts on the habitats, legally protected species, designated sites, or any other features of ecological importance”.

Refuse Storage

- Onsite bin storage areas are provided for dwellings.

Phasing

- It is proposed to develop the site in 4 no. of phases and a phasing plan for each phase has been submitted. The childcare facility and SuDS ponds to the north of the site are provided as part of phase 1.

Apartments

- The proposal is assessed against the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2025. The development generally accords with the Guidelines.

Appropriate Assessment

- A stage 2 NIS was submitted with the application. As potential significant effects could not be screened out at stage 1 screening stage, a stage 2 NIS was prepared. The NIS has been reviewed by the Heritage Officer, Waterford City & County Council and it is the opinion of the Planning Authority that the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 Site.

Conclusion and Recommendation

- The location of the works within Lacken Wood development have not been included as part of the development proposal, are not located on lands within the applicants' control. The identified works are identified in the DMURS Compliance Report as one of the “specific design features that have been incorporated within the proposed residential scheme with the aim of delivering a design that is in full compliance with DMURS.” Roads Section, Waterford City & County Council have reviewed the proposal and are not satisfied on the basis of the information provided with the application that the proposal as submitted is in compliance with DMURS, as no upgrade works have been

proposed at Lacken Wood, nor included on the drawings submitted or included within the site boundary.

- The development as submitted includes the southern section of the site and the proposed shared roadway with the adjoining farm.
- There is a lack of detail provided in the section drawings in relation to the wetlands, culvert crossing and relationship between the proposed development and adjoining residential properties (with particular reference to the existing single storey dwelling accessed from the private lane). It is noted that some of these details could be dealt with by way of condition.
- Article 33(1A) of the regulations provide details in relation to what can be requested by way of further information in an LRD application and it is considered that there are outstanding details/issues that cannot be addressed by way of condition and do not constitute further information in accordance with Article 33(1A) of the regulations, as such the Planning Authority recommended a refusal to grant planning permission for this LRD based solely on the reasons stated in their decision as noted in Section 5.1.1 above.

5.2.2. Other Technical Reports

- Environment Section, Waterford City & County Council - No objection subject to a number of identified conditions.
- Roads Section, Waterford City & County Council - The proposal has been reviewed by Roads Section, Waterford City & County Council and raise a number of areas of concern relating to the proposal one of which is compliance with DMURS.
- Heritage Officer, Waterford City & County Council
 - In relation to NIS, it is stated "With the full implementation of mitigation measures as set out in Section 4.4 I concur with conclusion that the proposed development individually or in combination with other plans or projects will not adversely affect the integrity of any European Site with particular reference to the River Suir SAC.
 - In relation EclA, "Subject to the successful implementation of these measures, it can be concluded that the proposed development will not

cause any significant negative impacts on the habitats, legally protected species, designated sites, or any other features of ecological importance.”

- It is recommended that “any grant of consent shall condition implementation in full of mitigation measures as detailed in Section 4.4 of the NIS and Section 6 of the EclA along with full adherence to the CEMP and Landscape Plan”.
- Economic Development, Waterford City & County Council - No response received.
- Executive Architect Economic Development, Waterford City & County Council - No response received.
- Horticulturalist Environment Dept. Waterford City Council - No response received.
- Place Names Committee, Waterford City & County Council - No response received.

5.2.3. Conditions

- Notwithstanding, the decision of the planning authority to refuse permission as noted in Section 5.1.1 above, where bespoke conditions, have been recommended or attached by the internal departments these relevant conditions will be considered in my assessment of the proposed development, and consideration will be given as to whether the condition should be included in any decision to grant by the Commission.

5.3. Prescribed/Other Bodies

5.3.1. Transport Infrastructure Ireland –

- Regard is had to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII’s

“Code of engineering practice for works on, near, or adjacent the Luas light rail system”

5.3.2. Department of Housing, Local Government and Heritage (DAU) –

Further information recommended i.e. Archaeological Impact Assessment.

5.3.3. Uisce Éireann –

- The applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility CDS25004749 has been issued to the applicant advising that water and wastewater connections are feasible subject to upgrades.
- Water Connection – feasible subject to upgrades. Approx. 260m of existing 100mm dia pipe to be upgraded to 150mm dia and approx. 140m of new 150mm dia pipe to be facilitated. It is stated that Uisce Éireann will carry out the works which will be funded by the developer.
- Wastewater connection – Feasible without infrastructure upgrade by Uisce Éireann. The developer will be required to provide full details of proposed Waste Water Pumping Station including the proposed pass forward flow, storage etc. to Uisce Éireann approval at Connection Application Stage.
- Recommends the attachment of a condition in the event of the grant of planning permission.

5.4. Third Party Observations

5.4.1. One hundred and twenty one (121 no.) third party observations were received by Waterford City and County Council including one observation from Lacken Wood Residents Association. I note that the observations received from Transport Infrastructure Ireland, Department of Housing, Local Government and Heritage, Uisce Éireann have been listed by the planner with the submissions. The comments from the prescribed bodies have been noted in Section 5.3 above.

5.4.2. The issues raised have been set out in the planners’ report. Given the number of submissions and duplication of issues I propose to summarise the issues raised by theme rather than individually as follows:

Scale, Density & Policy Compliance

- Development is over-scaled and overly dense for the area and out of character with the existing neighbourhood.
- Contrary to zoning, Phase 2 intentions, open space designations, and the Kilbarry Design Framework in the Development Plan.
- Represents a material contravention of multiple Development Plan objectives (residential amenity, community, biodiversity, design standards, and sustainable communities).

Loss of Open Space, Trees & Residential Amenity

- Loss of existing open space and precedent for further erosion.
- Removal of mature trees and hedgerows that currently act as noise, pollution, and visual buffers.
- Loss of privacy, passive surveillance, and general residential amenity for adjoining homes.
- Proposed lighting upgrades would create light pollution and affect wildlife.

Traffic, Road Safety & DMURS Non-Compliance

- Existing roads (especially Lacken Wood, Lacken Road, private lanes) not designed to act as distributor roads.
- Risk of creating a rat-run with increased speeds, congestion, cyclist and pedestrian safety issues.
- Over-intensification of the road network without proof that roads, footpaths, and parking can cope.
- Non-compliance with DMURS and residential street hierarchy.
- Works identified in traffic reports require tree removal and loss of parking in Lacken Wood but are not properly shown.
- Lack of traffic calming, poor sightlines, and vague Road Safety Audit responses.

Construction Phase Impacts (10+ years)

- Construction traffic through existing estates and unsuitable private/agricultural lanes.
- Noise, dust, vibration, emissions, restricted access, and damage risk to homes and lanes.
- Lack of clear construction traffic management.
- Worker parking, deliveries, and safety risks to residents and cyclists.

Parking & Access Problems

- Loss of existing parking spaces in Lacken Wood.
- Existing parking already problematic (kerb mounting).
- Emergency access concerns.
- Inaccuracies in drawings and missing details on existing extensions and streets.

Drainage, Flooding & Wetland Concerns

- Site located on wetland/bogland (Kilbarry Bog) with history of drainage issues.
- Inadequate SuDS design, no exceedance routes, risk of flooding and pollution.
- Concerns about foul drainage capacity, pumping station reliability, and surcharging.
- Flooding known at nearby junctions.

Ecology & Biodiversity

- Impacts on Kilbarry Bog pNHA, ponds, watercourses, hedgerows, and habitats.
- Presence of badgers, foxes, bats, and Marsh Fritillary Butterfly not adequately addressed.
- Lighting impacts on bats.
- Ecological assessments – contents and extent of assessment.

Legal, Planning History & Land Issues

- Queries around land ownership, third-party lands, charges on folios, and validity of access for services.
- Reference to Condition 28 (planning ref 03/500100) regarding transfer of open space to the Council.
- Potential landlocking of adjoining lands and interference with farm access.
- Ancient mass path to Kilbarry Church obstructed.

Community & Infrastructure Impact

- Strain on local social infrastructure and community cohesion.
- Risk of anti-social behaviour.
- Impact on local businesses during construction.
- Development seen as car-dependent and not aligned with sustainable community objectives.

Heritage & Surroundings

- Impact on Johns River, Waterford Eco Park, hedgerows, and the historic landscape.
- Obstruction of traditional pedestrian/mass paths.

5.4.3. The planners report considered all of the issues during their assessment of the large scale residential development.

6.0 Planning History

6.1.1. No planning history on the subject site.

Relevant adjoining Planning History:

6.1.2. Ref: 2560487: Further Information was requested by Waterford City and County Council on the 9th of September 2025, for a development consisting of the construction of 99 no. dwellings (comprising apartments, duplex units, semi-detached and terraced dwellings and creche) and all associated infrastructure, access and site development works at Lacken Road, Carrigroe, Waterford, which is located directly south and southeast of the appeal site.

6.1.3. The further information related to

- (i) Density – the developer was advised to consider increasing the density,
- (ii) Layout of the proposed residential units, to submit a revised proposal demonstrating that the proposal is a standalone development and not dependant on any future phases, submit revised proposals for specific house design and cross and longitudinal sections plans, details of boundary treatments, location of public open space, submit a ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024’ compliance report, to demonstrate how the proposed development will deliver climate resilient housing, details of bicycle parking spaces and specification of all external finished to the proposed buildings.
- (iii) To submit additional details regarding storage, communal open space and boundary treatment to balconies, to demonstrate compliance with the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- (iv) To submit signed written consent of the landowner for all works to be undertaken on third party lands.
- (v) To address the requirements of the Roads Section, Waterford City and County Council.
- (vi) In terms of proposed Sustainable Urban Drainage (SUDS) measures, details of proposed retention ponds and to address concerns regarding surface water proposals of the Roads Section, Waterford City and County Council.
- (vii) To consult with Uisce Eireann.
- (viii) submit an Archaeological Impact Assessment

6.1.4. The further information was received on 24/02/2026, the decision is pending on this application, and no decision date has been indicated on the Waterford City and County Council planning application portal.

7.0 Policy Context

7.1. National Planning Policy

National Planning Framework (2025)

7.1.1. The National Planning Framework (NPF) 2025 sets out that the ‘major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages’.

7.1.2. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 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.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- National Policy Objective 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 on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 22 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- National Policy Objective 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

Delivering Homes, Building Communities, 2025

- 7.1.3. This document aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

Climate Action Plan, 2024 and 2025

- 7.1.4. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential

buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

- 7.1.5. 2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of - 20%.

National Biodiversity Action Plan (NBPA) 2023-2030

- 7.1.6. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.
- 7.1.7. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

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

Water Framework Directive

- 7.1.8. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and

on ensuring that there is enough water to support wildlife at the same time as human needs.

- 7.1.9. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

Section 28 Ministerial Guidelines

- 7.1.10. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise of:

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);

- The guidelines note “*City and Regional Growth Drivers: To underpin regional balance, target 50% of projected population growth into the five cities of Dublin, Cork, Limerick, Galway and Waterford, with the balance of growth targeted throughout the country. The strategy supports the future growth of Dublin as Ireland’s leading global city of scale. It also sets ambitious growth targets for the four cities of Cork, Limerick, Galway and Waterford*”.

Design Standards for Apartments, Guidelines for Planning Authorities, (2025)

- The guidelines, hereafter referred to as the Apartment Guidelines, provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site’s context. It also sets out SPPRs to be adhered to across a range of parameters. Applicable standards for the proposed development include requirements in respect of minimum floor areas, and by reference to Appendix

1, minimum storage and private open space areas, % of dual aspect units, and minimum 2.7m requirement for ground level floor to ceiling height.

Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines');

- SPPR 3: An application needs to set out how the development complies with development management criteria in relation to at the scale of the relevant city/ town, at the scale of district/ neighbourhood/ street and at the scale of the site/ building.

Design Manual for Urban Roads and Streets (DMURS) (2019);

Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January 2018;

Childcare Facilities – Guidelines for Planning Authorities (2001) (hereinafter the 'Childcare Guidelines').

7.1.11. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (2023);
- Delivering Homes Building Communities (2025);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011, 3rd Edition 2022);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities.

7.2. Regional Planning Policy

The Regional Spatial and Economic Strategy for the Southern Region (RSES)

- 7.2.1. The Regional Spatial and Economic Strategy for the Southern Regional Assembly (RSES) identifies employment and population targets for the region which are consistent with the NPF, along with policy objectives to deliver such growth in a sustainable manner in both urban and rural locations. Through its vision statement the RSES seeks to:
- Nurture all our places to realise their full potential.
 - Protect, and enhance our environment.
 - Work to achieve economic prosperity and improved quality of life for all our citizens.
 - Accommodate expanded growth and development in suitable locations; and
 - Promote the region's international reputation as one of Europe's most creative, innovative, greenest and liveable regions.
- 7.2.2. The RSES focuses on building critical mass in Waterford City (as well as Limerick and Cork cities), in order to deliver sustainable employment and population growth, and thereby enhance the function of Waterford City as an engine for broader economic growth in the City region. It also sets out a settlement typology.
- 7.2.3. The area of the RSES and its broad strategic concepts and the spatial expression of the strategy for achieving the vision as they relate to Waterford and County and City.
- 7.2.4. The RSES recognises that the provision of adequate residential accommodation for different housing needs and household sizes will require the identification of housing needs through housing strategies and identification and prioritisation of strategic housing locations. The following lands have been identified in the RSES for the purposes of building resilience across our existing and emerging neighbourhoods, including City South West Neighbourhood: Kilbarry (LIHAF location) which will create a potential for 450 new housing units by 2021.

7.3. Waterford City and County Development Plan, 2022 - 2028

- 7.3.1. The site extends across three land use zonings including:

- **‘New Residential’**, the majority of the site is covered by this land use zoning objective, which includes the site area dedicated for the proposed residential units. This zoning has the following objective as per the Development Plan *“To provide for new residential in tandem with the provision of the necessary social and physical infrastructure”*.
- **“High Amenity”**, the lands to the east of the site, adjoining Kilbarry Park are covered by this land use zoning objective, which includes the proposed open space and one of the proposed wetlands. This zoning had the following objective as per the Development Plan *“protect highly sensitive and scenic location from inappropriate development that would adversely affect the environmental quality of the locations”*.
- **“Open Space and Recreation”**, the lands to the north of the site, adjoining Kilbarry residential estate are covered by this land use zoning objective. This zoning has the following objective as per the Development Plan *“preserve and provide for open space and recreational amenities”*.

7.3.2. Having regard to the layout of the proposed scheme a residential development is acceptable in principle on the site subject to satisfying normal residential development design standards in the current development plan and also demonstrating that the development can be satisfactorily accessed and serviced.

7.3.3. Section 1 3.3.2 of the plan references the City South West Neighbourhood including Kilbarry. The Plan states that “Kilbarry will be the focus of the next neighbourhood in the city which will be guided further by WMATS, subsequent area-based transport assessment and local area planning”, and *“The area adjoins Kilbarry Park, Waterford Nature Park and the Tramore Road to the east however direct access to Kilbarry Park and the Nature Park is not currently available from the neighbourhood. Further opportunities to effectively pull Kilbarry Park into the development of further public open space in Kilbarry and along the Cork Road while linking this further into the broader active transport network of cycleways and walkways with links to the outer ring road”*.

7.3.4. Table 2.2 Settlement Hierarchy and Typology Class 1 City-Metropolitan Area, Waterford City, “Metropolitan areas accessible with national and international

connectivity, strong business core, innovation, education, retail, health and cultural role”.

- 7.3.5. Section 2.14 Housing Land Requirement – with regards to Waterford City.
- 7.3.6. As per the zoning of the Development Plan, the subject lands are identified as Phase 2 lands.
- 7.3.7. Table 2.3 Residential Phasing – Waterford City.
- 7.3.8. 2.11.1 Residential Density Assumptions – *“the requirements for compact growth is acknowledged and encouraged by the Council...”* *“Where lower densities are identified within settlements, the rationale for so doing is based on the requirement to meet the housing needs for both urban and rural areas, with particular focus on providing a real alternative to urban generated development in the open countryside, and providing scope and choice within the housing market which supports the diversity and consolidation of rural and urban settlements and the achievement of a balanced housing type and tenure mix, as required by the Housing Strategy”*.
- 7.3.9. Table 2.4 Core Strategy Table - Land Zoning Requirement to Deliver Minimum Housing Target - Target residential density for Waterford City and Suburbs.
- 7.3.10. As per the flood mapping the site is situated within Flood Zone A and B.
- 7.3.11. Site is situated within a 'Least Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment.
- 7.3.12. Specific Policy Objectives including:
- W City 06 *“We will require that all new development in the Kilbarry area adheres to the residential block layout set out in the design framework and Appendix 6 of the Development Plan while having regard to the policy objectives, residential densities and development management standards of the Development Plan”*.
 - W City 23 New Sustainable Neighbourhoods *“We will promote and support consolidation of Waterford City in two new neighbourhoods as identified in the RSES i.e. City South West Neighbourhood (University/ Ballybeg/ Kilbarry/ Lacken), and City North West Neighbourhood (Carrickphierish/ Gracedieu), in a manner that implements the place making strategy and housing strategy of the Development Plan, and supports the role of Waterford City as an*

international location of scale, and a primary driver of economic and population growth in the Southern Region”.

7.3.13. General Housing Policy Objectives including:

- H 02 *“In granting planning permission, we will ensure new residential development:*
 - *Is appropriate in terms of type, character, scale, form and density to that location.*
 - *Is serviceable by appropriate supporting social, economic and physical infrastructure.*
 - *Is serviceable by public transport and sustainable modes such as walking and cycling.*
 - *Is integrated and connected to the surrounding area in which it is located; and,*
 - *Is designed in accordance with the applicable guidance and standards of the time:*
 - *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).*
 - *Delivering Homes, Sustaining Communities (2007).*
 - *Urban Design Manual A Best Practice (2009).*
 - *Permeability Best Practice NTA (2015); and,*
 - *Design Manual for Urban Roads (DMURS) (2020) or any update thereof.*
 - *National Disability Inclusion Strategy (NDIS) 2017-2022.*
 - *United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)”.*

7.3.14. Active Transport: Cycling and Walking Policy Objectives including:

- Trans 09 *“Connectivity and Permeability Ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future. Access should be also provided to adjoining amenities such as Greenways,*

Walkways and other recreational areas and have regard to ‘Ireland’s Government Road Safety Strategy 2021–2030”.

7.3.15. Road and Street Network Policy Objectives including:

7.3.16. Trans 33 We will ensure that the planning, design and implementation of all road/street networks across the city and county accord with the principles set out in the Design Manual for Urban Roads and Streets (2020), the National Cycle Manual (2010) and other relevant standards where appropriate, or any future update thereof.

7.3.17. I would like to highlight to the Commission that the aforementioned policy objectives **Trans 09, Trans 33 and H02** were referred to by the planning authority in the first reason for refusal. This will be discussed further in my assessment.

7.3.18. Volume 2 of the Plan - Development Management Standards, including:

Section 3.0 Residential Development, which sets out the following guidance with respect to residential development;

- Table 3.1 General Standards for New Residential Development in Urban Areas, including pedestrian and vehicular movement, estate design climate resilience, public open space, landscape plans, private open space, privacy, maximum site coverage, maximum plot ratio, building height, minimum separation distance, screen walls, boundary treatment, waste management, phasing, services, and construction water management.
- Table 3.2 Minimum Private Open Space Requirements for Dwelling Units details the requirement for house type/no of bedrooms, i.e. 1-2 bedroom 50 sq. m., 3 bedrooms 60 sq. m. and 4 bedrooms (or more) 75 sq. m.
- 3.4.3 Apartment Standards states that the design and layout of new apartments should provide comfortable accommodation for a variety of household types and sizes – including families with children - over the medium to long term. Regard should be given to relevant Government Guidelines, and all apartment schemes should provide for a mix of units; comprising of one bedroom, two-bedroom and family units as set out above in the Housing Mix section.
- 3.4.4 Minimum Space Requirements for Apartments are set out as follows:
Studio apartment (1 person) 37 sq. m., 1-bedroom apartment (2 persons) 45

sq. m., 2-bedroom apartment (4 persons) 73 sq. m., 3-bedroom apartment (5 persons) 90 sq. m.

- 3.4.5 Dual Aspect Requirements in accordance with Development Management DM 07 *“A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.*

In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. Ideally, any 3-bedroom apartments should be dual aspect.

For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, Planning Authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects”.

- 3.4.6 Apartment Floor to Ceiling Height in accordance with Development Management DM 08 *“Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. Applicants and designers should consider 3.0 metres on the ground floor of multi-storey buildings. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.*

In certain main urban centre locations, where apartments front onto or adjoin busy commercial streets with significant pedestrian footfall, the need for future adaptability of ground floor areas from residential to potential commercial uses in the future should be considered. Planning authorities may require ground floor apartment floor to ceiling heights to be a minimum of 3.5 - 4m metres generally, in such specific cases”.

- Section 4.0 Residential Miscellaneous, the following subsections are pertinent to this appeal - naming of estates, taking in charge, development contributions, bonds and off street parking in residential areas.
- Section 7.0 Parking Standards - Car parking should be provided in accordance with the standards set out in Table 7.1.
- Section 8.5 Road Safety Audit & Traffic Impact Assessment – the Council shall require Road Safety Audits for development requiring the provision of a new vehicular access, or the alteration of an existing vehicular access point, onto a National Primary and National Secondary Route, in addition A Traffic Impact Assessment will be required to be submitted together with any development application, for developments likely to significantly impact on the road safety or significantly increase traffic movements in the general area.
- Section 9.8.1 Flood Risk Mitigation of Developments - Any development in the areas at risk of flooding that are required to have passed a ‘Justification Test’ must demonstrate that appropriate mitigation measures can be put in place and that residual risks can be managed to acceptable levels.
- Section 9.8.2 Surface Water and Sewer Drainage/Flooding - All development proposals are required to follow the following drainage hierarchy outlined in Development Management DM 55 “*Store rainwater for later use. • Use infiltration techniques, such as porous surfaces in non-clay areas. • Attenuate rainwater in ponds or open water features for gradual release to a watercourse. • Attenuate rainwater by storing in tanks or sealed water features for gradual release to a watercourse. • Discharge rainwater direct to a watercourse, where there would be no consequent risk flooding. • Discharge rainwater to a surface water drain. • Discharge rainwater to the combined sewer only where there is no other option available to deal with the rain fall management. • The capacity and efficiency of the strategic road network drainage regimes in County Waterford will be safeguarded for national road drainage purposes*”.
- Section 11.0 Zoning and Land Use – table 11.1 Land Use Zoning Objectives.

7.3.19. Volume 3 of the Plan Appendix 6: City South West (Kilbarry, Ballybeg and Lacken) Design Framework.

- Section 9.2: Site is located in the Kilbarry and Lacken District Character Area.
- Key Objectives.
- Figure 23: Depicts indicative street, block layout and areas for taller buildings for undeveloped residential land.

7.3.20. Other Relevant Development Plan Sections and Objectives

- Section 5.14 Car Parking;
- 5.12 Mobility Management Plans;
- Section 5.15 Bicycle Parking;
- Section 6.3 Storm and Surface Water Management;
- Section 7.5 Housing for All;
- Section 7.6 Housing Type and Tenure;
- Section 7.19 Childcare and Educational Facilities;
- Chapter 8 Placemaking;
- Appendix 3: Waterford Housing Strategy and Housing Strategy and Housing Need Demand Assessment;
- Appendix 13 – SFRA.

7.4. **Natural Heritage Designations**

7.4.1. The following sites should be noted:

Name	Site Code	Distance from Site
Lower River Suir SAC	[002137]	3km (4.62km following the course of the St. John's River) to the north, northeast
Tramore Dunes and Back strand SAC	[000671]	7.11 km to the south

River Barrow and River Nore SAC	[002162]	9.24 km (12.64km following the course of the St. John's River and Lower River Suir SAC) to the northeast
Tramore Back strand SPA	[004027]	6.65 km to the south
Mid-Waterford Coast SPA	[004193]	10.88 km to the southwest
Seas of Wexford SPA	[004237]	13.58 km to the southeast
Kilbarry Bog pNHA	[1700]	193m (approximately) to the east of the site

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. A first party appeal has been submitted on behalf of the applicant which seeks to address the planning authority's recommended reasons for refusal. The appeal report includes various Appendices A-F including, notification of decision to refuse permission, copy of Uisce Eireann submission/observation, copy of Waterford City and County Council Heritage Officers memo, copy of planning officers report, and LRD opinion and pre-application section 247 meeting, copy of Waterford City and County Council Executive Engineer Roads and Transportation Planning Report.

8.1.2. The following architectural drawings accompany the first party appeal, in response to the Planning Authority's reasons for refusal, for consideration of the Commission:

- Drawing No.0043 Rev Co4 - Proposed Lacken Wood Cycleway Site Plans.
- Drawing No.0044 Rev Co2 - Lacken Wood Cycle Cross Sections.
- 0045 Rev Co3 - Proposed Site Plan - Without 4th phase.

- 0046 Rev Co4 - Proposed Site Plan - Without 4th phase (I).
- 0047 Rev Co1DBFL - Proposed House Type A(D) (4 bed detached).

8.1.3. The revised plans include the following amendments/additional information:

- How permeability provisions through the Lacken Wood Residential Estate can be provided showing a possible extension of the cycleway northwards from the proposed LRD development site along the east and north side of the Lacken Wood Residential Estate, including ramped crossing points at locations where there is a termination of the existing footpath and at desire lines to access the existing open space to the east.
- An alternative Site Layout omitting Phase 4, illustrating a revised street and residential layout presenting an alternative 10-Year Planning Permission for a Large-Scale Residential Development (LRD) of 172 no. dwellings (with associated residential car parking spaces and visitor car parking spaces) and 1 no. childcare facility (18 no. dedicated vehicle parking/drop-off car parking spaces).
- It is considered that the omission of Phase 4 as alternative presented, separates out the laneway from the proposed LRD Development Site, with an appropriate landscaped boundary between the remaining proposed LRD Development and the northern side of the laneway.
- The omission of Phase 4 as alternative presented could be facilitated through an appropriately worded condition.
- It is submitted that the omission of Phase 4 will result in a proposed alternative housing mix which will remain appropriate and in compliance with the provisions of In terms of the Waterford City and County Development Plan 2022-2028 and will facilitate the establishment of a community with a diverse mix of households and housing requirements.
- An additional 4 bed detached dwelling type residence typology is presented with similar unit areas as the two storey four bedroom semi-detached dwellings.

8.1.4. The first party appeal includes a detailed report on the local authority decision and may be summarised as follows:

- The applicant considers that the refusal is fundamentally wrong because the development fully complies with:
 - The Waterford City & County Development Plan 2022–2028
 - The zoning of the land (New Residential & High Amenity)
 - National policy for compact growth and housing delivery
 - Section 28 Guidelines (Sustainable Residential Development, Urban Design, DMURS, etc.)
 - Environmental and Appropriate Assessment requirements (Natura Impact Statement).
- The applicant argues that the Council misinterpreted its own Development Plan, ignored connectivity and permeability proposals, and ignored their own Planner’s Report findings.
- Refused for reasons that should have been dealt with by planning conditions, not refusal.
- The applicant references the zoning objective pertaining to the site and considers that the proposal exactly matches the zoning objectives, as the Plan explicitly supports residential use.
- The site sits within the South West Kilbarry / Ballybeg / Lacken Framework Plan for growth.
- The refusal materially contravenes the Development Plan’s intent.
- The appellant argues that they can legally connect to adjoining estates (Lacken Wood) and that the road through Lacken Wood is a public road.
- Under the Roads Act, they do not need the consent of residents or a management company.
- The Planning Authority cannot require third-party consent as a reason to refuse.
- This should have been handled by a condition requiring delivery of the link before occupation.
- The appellant cites Folio ownership, the Roads Act definitions of public road, and Section 34(4) of the Planning Act (conditions for roads, access, etc.).
- A full Traffic Assessment, DMURS, Mobility Plan were submitted.
- Footpaths and cycle paths are proposed linking to:
 - Lacken Wood

- Ashe Road
- Sycamore Drive
- The Planner's own report acknowledged these connections.
- The development improves pedestrian/vehicular connectivity.
- Agricultural traffic is minimal and not a valid planning reason.
- If upgrades were needed, this should have been addressed by way of condition, not refusal.
- In respect to residential amenity, in particular the neighbouring residential amenity, the applicant argues that the site is lower than Lacken Wood, separation distances exceed standards, and that the layout follows Urban Design & Development Plan standards.
- The Planner's report did not find serious amenity issues.
- These are standard suburban relationships compliant with guidelines.
- A full Natura Impact Statement was submitted.
- Planner's report stated no significant environmental effects.
- Heritage Officer found no issue.
- Surface water, wetlands, biodiversity mitigation all addressed.
- Environmental concerns cannot justify refusal.
- Under Article 31A for LRD applications, the Planning Authority cannot refuse on these types of grounds without first seeking further information.
- The appellant argues that the Council, should have sought clarification, should have imposed conditions and instead unlawfully jumped to refusal.
- In respect to the connectivity to road network, the appellant states that this is factually incorrect, this is contradicted by the submitted plans, DMURS, and the mobility plan and should be condition.
- In respect to agricultural traffic conflict the appellant considers that this point is exaggerated, is not evidence based and is typical of a normal rural/suburban condition. This is not a valid planning reason.
- In respect to residential amenity the appellant considers that standards are met, and the topography of the site reduces the impact.
- It is considered a typical suburban relationship.

- Regarding the access via Lacken Wood and third-party consent, the appellant considers this to be legally wrong, the road is public and that planning law does not allow refusal on that basis.
- An Coimisiún Pleanála is urged to overturn the Council's decision.

8.2. Planning Authority Response

8.2.1. No response received from the Planning Authority.

8.3. Observations

8.3.1. Eight (8 no.) detailed observations were received. One observation has been received on behalf of the Lacken Wood Residents Association. The key planning issues raised in the observations have been summarised as follows:

Planning Policy and Development Plan Compliance

- The proposal is inconsistent with the Waterford City and County Development Plan.
- Conflict with zoning objectives, including R1.
- Failure to comply with specific policy objectives SC39, SC41, SC42, and SC43.
- The proposal represents premature development sequencing, with Phase 2 proceeding before Phase 1.
- Lack of coordinated and coherent master planning for the wider lands.
- The decision of Waterford City and County Council should be upheld.

Overdevelopment, Density and Housing Mix

- The development represents overdevelopment of the site.
- Excessive residential density relative to the surrounding area.
- Inappropriate number and mix of apartments for the location.
- The scale and form of development are out of character with the established residential pattern.

Impact on Existing Residential Amenity and Community Character

- The proposal is out of character with the existing community.
- Negative impacts on residential amenity for existing residents.
- Inadequate integration with the existing Lacken Wood estate and surrounding lands.
- Loss of green areas and informal open spaces currently used by residents.

Biodiversity, Ecology and Environmental Impact

- Loss of green space, trees, hedgerows and natural habitats.
- Impacts on protected species, including:
 - Otters
 - Bats
 - Badgers
- Potential impacts on wetlands, St. John's River, and the Lower River Suir SAC.
- Concerns relating to the former Kilbarry Bog/NHA area.
- Insufficient ecological assessment.
- Lack of adequate ecological surveys.

Water Infrastructure and Flood Risk

- Risk of pollution to nearby watercourses.
- Concerns regarding:
 - Sewage infrastructure
 - Drainage systems
 - Foul pump station
 - Surface water management
- Flood risk concerns, including:
 - Flooding of green areas

- Flooding of adjoining roads.

Traffic, Transport and Access

- Unsafe vehicular access through Lacken Wood / Lacken Lane.
- Road safety risks.
- Pedestrian safety concerns.
- Impact of construction traffic.
- Lack of direct vehicular access to the site.
- Non-compliance with sightline requirements and DMURS standards.
- Poor connectivity to public transport, contrary to national planning policy.

Legal, Land Ownership and Procedural Issues

- Issues relating to land taken in charge.
- Folio interests and ownership matters.
- Ownership and management of green areas and common areas.
- Procedural concerns, including:
 - Statutory notification issues.
 - Works not included within the red line planning application boundary.
 - Unclear revised drawings.
 - Omission of Phase 4 in revisions.

Agricultural Land and Land Use Character

- Impact on existing agricultural uses.
- Concern that the area has been mischaracterised as transitioning from agricultural to residential.

Health, Safety and Construction Impacts

- Health and safety concerns including:
 - Traffic risks.
 - Pedestrian safety risks.

- Attenuation ponds.
- Lighting impacts.
- Construction impacts including:
 - Noise.
 - Dust.
 - Vibration.

Open Space and Recreation

- Inadequate provision of usable outdoor recreation space.
- Lack of sufficient open space for future residents.

Delivery and Phasing Concerns

- Long development timeframe.
- Uncertainty regarding delivery, phasing and cumulative impacts.

8.4. Further Responses

8.4.1. None received.

9.0 Assessment

9.1. Introduction/Context

9.1.1. An Coimisiún Pleanála received a first party appeal on a large scale residential development for 243 no. residential units consisting of dwellings and apartments, creche and all associated site works. As noted above, 8 no. observations were made in respect to the first party appeal, the key issues have been summarised above and will be considered, where relevant, in my assessment to follow.

9.1.2. In summary, the Waterford City and County Council planners' report considered that the principle of the development was in compliance with the land use zoning matrix and the nature of the works contained in area zoned 'open space' and 'high amenity' was appropriate. The planner considered that the 243 residential units were not contrary to the zoning objective and that the proposed density, having regard to the

site context was considered in line with requirements of the Compact Settlement Guidelines.

9.1.3. However, the Council were not satisfied on the basis of the information provided with the application that the proposal as submitted is in compliance with DMURS, as no upgrade works have been proposed at Lacken Wood, nor included on the drawings submitted or included within the site boundary.

9.1.4. Furthermore, the planner considered there is a conflict between the traffic/access from the existing farm through the residential development and that the proposal as submitted is premature until such a time as it is demonstrated that the site can be developed without traffic from the farm traversing the site.

9.1.5. Moreover, the report considered there is a lack of detail provided in the section drawings in relation to the wetlands, culvert crossing and relationship between the proposed development and adjoining residential properties (with particular reference to the existing single storey dwelling accessed from the private lane).

9.1.6. Accordingly, permission was refused for the reasons as noted in Section 5.1.1 above.

9.2. Therefore, the following are the main issues I consider to be pertinent in my assessment of this first party appeal:

- Alternative Design Option
- Principle of Development and Policy Compliance
- Connectivity/Permeability to adjacent lands, DMURS and compliance with Housing Policy compliance (Reason for Refusal 1)
- Traffic Safety – Agricultural Traffic (Reason for Refusal 2)
- Residential Amenity (Reason for Refusal 3)
- Other Matters

9.3. **Alternative Design Option**

9.3.1. At the outset I draw the Commission's attention to the details included within the first party appeal, in particular the amended design option for the consideration of the Commission, which omits the southern section of the proposed development, known

as phase 4. An alternative proposed site layout drawing has been furnished in this regard, drawings 0045 Rev Co3 - Proposed Site Plan - Without 4th phase, 0046 Rev Co4 - Proposed Site Plan - Without 4th phase (I) and 0047 Rev Co1DBFL - Proposed House Type A(D) (4 bed detached), all relate.

- 9.3.2. The alternative proposals have been referenced in the third party observations, and it is considered by the observers, that such modifications need to be considered as part of a new application and cannot be considered under this appeal.
- 9.3.3. The revised drawings, in particular the proposed site plan, indicate the omission of phase 4 from the proposed development resulting in the omission of some 70 no. residential units all to the southern portion of the site. Noting the significant reduction in the number of units as proposed, I consider the amendment as proposed to be a significant amendment, and a material alteration to that of the permission originally sought.
- 9.3.4. I also note that no further drawings have been submitted in respect to the result of the omission of phase 4 on the overall proposed development in particular, revised drainage proposals, revised roads proposal and revised boundary treatments between the northern and southern portion of the site layout.
- 9.3.5. Moreover, the first party appeal does not include revised Appropriate Assessment Screening Report, revised Natura Impact Assessment, or revised Environmental Impact Screening Report in respect to the proposed amended site layout.
- 9.3.6. The proposed revision including the omission of 70 no. units, will have a knock on effect on the overall density proposed on site, which was already at the lower end of the recommended density range of 35 – 50 dhp (net) with 39.1 dwelling units per hectare proposed, this will be assessed further in my assessment below. The omission of phase 4 of the scheme would reduce the overall area of the residential zoned lands to 4.5 hectares with 173 units proposed in the north and eastern portion of the site, resulting in a density of 38 units per hectare. Again, this is at the lower end of the ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’. Notwithstanding the site constraints as noted in the planner’s assessment, I do not consider it appropriate to reduce the density further on this residentially zoned site and this would need to be fully assessed by way of a complete planning application.

- 9.3.7. I consider that this design option to be substantially and materially different to the proposed development described in the public notices and is lacking in design details, such as in relation to boundary treatments, and other reports in particular updated environmental screening assessments. I also note that the revised proposal would have a significantly different relationship with adjacent properties in the vicinity.
- 9.3.8. I do not recommend that the alternative design submitted as part of the grounds of appeal be considered as part this appeal process given the substantive nature of the design proposal, which materially alters the nature and extent of the development proposed. Such a significant change would merit a new application to ensure third parties rights are protected. I again note that reference has been made to the proposed omission of Phase 4 by way of an alternative design in the third party observations.
- 9.3.9. Therefore, I do not recommend the Commission consider this alternative design option for the reasons outlined above. As such, my assessment of this large scale residential development is based on the proposed development as lodged with the planning authority (on 12/09/2025).

9.4. **Principle of Development and Policy Compliance**

Zoning

- 9.4.1. The appeal site covers three zoning objectives, with the majority of the site zoned under the current Development Plan for “new residential” development, which has the objective to “*To provide for new residential in tandem with the provision of the necessary social and physical infrastructure*”. A section of the site to the north, is zoned ‘open space and recreation’, with a stated objective to “*preserve and provide for open space and recreational amenities*”, with the remainder of the site to the east of the residential units zoned ‘high amenity’ with a stated objective to “*protect highly sensitive and scenic locations from inappropriate development that would adversely affect the environmental quality of the locations*”, as per the land use zoning matrix provided for in Table 11.1 Volume 2 of the Development Plan.
- 9.4.2. The site is located within the settlement boundary of Waterford City & Suburbs, a designated regional city within the County Settlement, and the Plan supports the development of a hierarchy of high quality, vibrant, consolidated and attractive urban settlements. The appeal site is within the settlement boundary and is readily serviced and is well located within walking distance of the city. The Core Strategy in the City

and County Development Plan has a minimum target of 3,169 units for Waterford City & Suburbs up to 2028.

- 9.4.3. Reference is made in the Development Plan, in particular to the delivery of these residential zoned lands under the lifetime of the Plan. The new residential zoned component of the site is identified in Figure 2.12 – Phase 1 and 2 lands – Waterford City, of the Development Plan, as Phase 2 residential lands, and this is also reflected on the land use zoning map.
- 9.4.4. Concern has been raised in an observation regarding the delivery of Phase 2 lands, ahead of Phase 1 lands. However, I reference the Development Plan in this regard, noting that *“All lands zoned for new residential development (R1) are considered to be developable during the lifetime of the Development Plan”*.
- 9.4.5. Moreover, in respect to the delivery of lands, the plan further notes that any Phase 1 lands shall be developed prior to any development permitted on Phase 2 lands and such applications for development on Phase 2 lands shall be supported by documentation to clearly identify that Phase 1 lands have been developed out or are not available within the landholding. There are no Phase 1 lands on the appeal site. As such, I am satisfied that these Phase 2 lands have been identified for future development during the life of the Plan.
- 9.4.6. In respect to compact growth, the Development Plan highlights that consideration must be given to the delivery of the Housing Strategy in order to meet the housing needs of our communities, balance the provision of social and affordable private housing, ensure effective delivery of housing and mitigate current residential leakage and unsustainable travel patterns. To this end, the Plan notes *“principles which underpin the sustainable development of Waterford City as the south-east regional city of scale with associated economic and community are set out in the NPF. The NPF recognises that the key challenge for Waterford is to build scale and enhance urban quality through employment led growth”*, the Plan further states *“To give effect to the guiding themes of the NPF which will enable Waterford City to fulfil its regional and national role, the following Key Future Growth Enablers for Waterford city and MASP are set out in the NPF & RSES”*...*“Identifying infill and regeneration opportunities to intensify housing and employment development throughout city centre and inner suburban areas”*.

- 9.4.7. Table 2.4 Core Strategy identifies the population and housing unit target as envisaged for Waterford City and County. The Plan states “*The minimum housing target of 4,824 will ensure that Waterford City has the capacity to develop in its role as a regional economic driver for the wider city region as envisaged in the NPF/RSES, while the growth identified for Dungarvan, Tramore, other towns/villages and rural areas will facilitate the sustainable growth of these areas over the lifetime of the Development Plan*”.
- 9.4.8. Table 2.4 states that for Waterford City & Suburbs regional city, that a Land Zoning Requirement to Deliver Minimum Housing Target of between 45.3% (Minimum 50% / 30% infill lands (ha)), and 45.3% (Remaining 50% / 70% (non-infill) (ha)) is allocated.
- 9.4.9. Therefore, having regard to the zoning objective pertaining to the lands and the guidance referenced in the Development Plan 2022 – 2028 in respect to the development of residential growth with particular reference to the delivery of Phase 2 lands during the lifetime of the Plan, and the location of the at the edge of a regional city, the principle of residential development on the lands zoned new residential is acceptable.
- 9.4.10. Notwithstanding, I note that the proposed access road serving the development will be located on lands zoned ‘open space and recreation’ and adjoins an area of open space associated with Lacken Wood, an existing residential development to the north of the site. This issue of loss of this open space and the location of the access road through these open space lands has also been raised in several third party observations. I also note that the lands adjoining the site to provide the access to the site is not within the applicants’ ownership, however this is located within red line planning application boundary, this will be discussed further in Section 9.5 below noting the first reason for refusal and landownership issues.
- 9.4.11. Having regard to the uses generally permitted and open for consideration under the open space and recreation zoning objective, there is no reference to uses associated with residential development being permitted in principle or open for consideration. While I note that the proposed road and footpath provide access to the adjoining open space, the primary use of this road and footpath is to access the proposed large scale residential development. As such, I consider that the proposed development, in particular the access road and footpaths associated with the

residential development, are not uses permitted under the OS - Open Space and recreation zoning objective and would therefore materially contravene the zoning objective at this location to “*Preserve and provide for open space and recreational amenities*”.

9.4.12. Moreover, I consider that the extent of roadway proposed in an area of public open space intended to serve the adjoining residential development to the north would detract from the useability of this open space for recreational purposes and therefore would materially contravene the objective of the ‘OS’ zoning, to “*Preserve and provide for open space and recreational amenities*”.

9.4.13. The planner’s report considers that “*‘Park & Ride Facility (incl. car parking)’ and utility uses are open to consideration on lands zoned open space as per the landuse zoning matrix. It is considered that section of road located in area zoned ‘open space’ is not contrary to the zoning at that location*”, and therefore this was not specifically referenced in the planning authority decision or grounds of appeal as a key issue. However, I do not consider the provision of an access road (and associated footpath, etc.) into a large scale residential development to come within the scope of a park and ride facility (including car parking) or utility use, given its intended use and nature i.e. traversing an area of open space serving an adjoining residential scheme (i.e. Lacken Wood to the north of the site), to warrant compliance under this zoning objective or the provisions of the Development Plan.

9.4.14. The location of an access road in lands dedicated for open space, as detailed on the submitted site plan, would in my opinion also detract from the recreational amenity of the adjoining residential development to the north.

9.4.15. Therefore, I find the proposed development to materially contravene the OS – Open Space and recreation zoning objective of the Development Plan, however, the planning authority did not refused permission in this regard and therefore I draw the Commission’s attention to the fact that this is **a new issue**.

9.4.16. Whist I consider this to be a substantive issue, should the Commission wish to pursue this matter further they should seek the views of the parties in this regard. However, as set out in the subsequent sections of my report there are other substantive reasons for refusal regarding the proposed large scale development and as such, I would not recommend the Commission take this course of action.

9.4.17. In respect of the proposed works i.e. the proposed wetland located on lands zoned 'high amenity', I am satisfied that a wetland would not conflict with this zoning objective and would be acceptable in principle.

Density

9.4.18. Table 2.4 Core Strategy Table of the Development Plan indicates a target residential density of 35 units per hectare for Waterford City and Suburbs. The indicated targets are the land use requirements to deliver the **minimum** housing target. Table 3.2 Waterford City Potential Regeneration Sites of the Plan, notes that Kilbarry has the potential to accommodate taller buildings (Above 4 floors in height) and **higher densities**.

9.4.19. I also reference the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', Table 3.2 which states that the recommended density of development for 'Suburban/Urban Extension' in the range of 35 dph to 50 dph (net). These guidelines have a specific focus on the renewal of existing settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements. The Guidelines note that to achieve compact growth it will be necessary to increase the scale and density of development of sites, particularly in locations served by existing facilities and public transport.

9.4.20. The proposed housing density is 39.1 dwellings per hectare (dph) net based on the proposed 243 no. housing units (i.e. 124 no. dwellings and 119 no. apartments) on a site area of 6.2 hectares, to include the residential zoned land. I note that the overall site area equates to 7.8 hectares.

9.4.21. Concerns have been raised in the third party observations that the proposal represents overdevelopment with an excessive density.

9.4.22. The planners report noted the site context and considered that the proposed density is in line with the requirements of the Compact Settlement Guidelines.

9.4.23. Having regard to the Development Plan, I am satisfied that the proposed density exceeds the minimum housing target and also is appropriate in the context of the site location at Kilbarry, where higher densities are encouraged. The proposed development is at the lower end of the recommended density for the sites located as

identified in the Compact Guidelines which identifies a range of 35 – 50 dup (net), with a proposed density of 39.1 dwellings per hectare. Therefore, I am satisfied that the proposed density is not excessive and does not represent overdevelopment of this site as expressed in the observations.

9.4.24. I consider that the density as proposed is appropriate for this site having regard to the location of the site, within Kilbarry, its general character, pattern development and the existing service provision therein, I recognise that that the density as proposed accords with the minimum target residential density identified in the Development Plan and the Compact Settlement Guidelines.

Housing Mix

9.4.25. A Housing Need Demand Assessment report has been submitted as part of the application. I reference Policy Objective H17 of the Development Plan, in this regard, which states that new developments shall contribute to meeting the future housing requirements as set out in Table 7.1 of the Plan (i.e. Forecasted household size cohorts and corresponding number of residential units required during the plan period i.e. from 2022 - 2028).

9.4.26. I note that the proposed development provides the following housing mix:

- 66 no. 1 beds (27.2%)
- 43 no. 2 beds (17.6%)
- 58 no. 3 beds. (23.9%)
- 76 no. 4 beds (31.3%).

9.4.27. The percentage of 1 and 2-bedroom units in the proposed development is 44.8%. Given the suburban location of the site, at the edge of Waterford City, I am satisfied that the proposed mix is appropriate for this site and would accord with the objectives of the Development Plan.

City South West (Kilbarry Ballybeg and Lacken) Design Framework (Appendix 6 of the Waterford City & County Development Plan 2022-2028

9.4.28. Appendix 6 of the Waterford City & County Development Plan 2022-2028 contains a design framework for the City South West Neighbourhood: Kilbarry and Ballybeg.

The framework area comprises five districts/ character areas. The development site is within the Kilbarry and Lacken character area.

- 9.4.29. The appendix builds on the policies and objectives of the Plan to ensure that *“Kilbarry/ Ballybeg will become a vibrant and sustainable neighbourhood which will support and encourage economic, social and cultural development and community interaction in an area which is attractive to residents and which attains a high level of environmental quality to ensure an excellent standard of living for all”*.
- 9.4.30. I note that the Design Framework generally provides guidance for specific opportunity sites or tracts of undeveloped lands, such as those between the Kilbarry Road, Lacken Road and Outer Ring Road which is located further to the south of the development site. The Framework has a non-statutory status and provides for a mix of land uses and accommodation types, in the context of the development of local infrastructure and amenities.
- 9.4.31. The site is located at the northern edge of the Kilbarry Lacken neighbourhood which generally comprises recently developed and undeveloped lands. I note that the Kilbarry plan suggests indicative layouts for development, which includes the appeal site, however, this is only a suggested layout and any proposal for sites within the boundary of the framework would be assessed in accordance with the Development Plan and zoning objective for the site.
- 9.4.32. I have examined the objectives for this plan and am satisfied that the principle of large scale residential development at this location does not conflict with the achievement of the policies and aims of this framework plan. Moreover, the proposal provides for a future connectivity to Kilbarry Nature Park and cycle and pedestrian connectivity to adjoining lands to the south.
- 9.4.33. The planners report noted the City South West (Kilbarry Ballybeg and Lacken) Design Framework within the assessment and referenced that the proposal provides for a future connectivity to Kilbarry Nature Park and cycle and pedestrian connectivity to adjoining lands to the south. Reference is also made to the indicative street layout, as reference in the observations.
- 9.4.34. As such, I am satisfied that the principle of the development accords with Appendix 6 of the Development Plan.

National Policy and Regional Guidelines

- 9.4.35. In terms of national and regional guidance, I reference the NPF (First Revision), within which compact growth is identified as a National Strategic Outcome of the NPF. As required under the NPF, 50% of all new housing within Waterford City and Suburbs is to occur within the existing footprint, through brownfield, infill and regeneration. Outside of Waterford City and Suburbs, 30% of all new homes targeting settlements is to occur within their existing built-up footprints as per National Policy Objective 3 (c) of the NPF.
- 9.4.36. I reference the RSES in respect of Waterford City and Suburbs which contains a specific National Policy Objective (NPO 8), which sets out the Minimum Target Population for Waterford City and Suburbs by 2040 of 81,0001. This will require targeted growth focused on significant housing and employment locations identified.
- 9.4.37. As the proposed scheme includes apartment units, I also reference the Apartment Guidelines (2025), which states that “*The NPF was revised in 2025, reaffirming the Government’s commitment to Compact Growth. This includes a new approach to monitoring urban growth and a tool to track and compare urban development trends across the main urban settlements*”.
- 9.4.38. Accordingly, I am satisfied that the principle of the proposed large scale residential development on these lands, in particular the density and mix of units proposed accords with the relevant guidance noted above. Any other relevant Section 28 Guidance will be referred to in the following assessment.

Conclusion:

- 9.4.39. Whilst the principle of a large residential development may be acceptable on the new residential zoned portion of these lands and in the context of National and Regional Planning Guidance. I find the proposed development to materially contravene the OS – Open Space and recreation zoning objective of the Development Plan, however, as noted above the planning authority did not refused permission in this regard and therefore that this is **a new issue** and as such **the Commission may at its discretion wish to seek the views of the parties in this regard.**
- 9.4.40. Whilst this is a substantive issue, I note that there are other substantive reasons for refusal regarding the proposed large scale development, which will be presented and

discussed further in my assessment to follow, and therefore would not recommend the Commission take this course of action.

9.5. Connectivity/Permeability to adjacent lands, DMURS and compliance with Housing Policy compliance (Reason for Refusal 1)

- 9.5.1. The reason for refusal cites that the details submitted with the planning application, in particular the works identified in the Transport and Traffic Assessment, Mobility Management Plan and DMURS Compliance Report, are outside of the site boundary and do not form part of the proposed development. The Planning Authority is not satisfied on the basis of the information provided with the application that the proposal as submitted complies with the Design Manual for Urban Roads (DMURS), and that the proposed development if permitted would contravene to the requirements of Policy Objective Trans 09, Policy Objective Trans 33 and Housing Policies and Objectives H02 of the Waterford City and County Development Plan 2022-2028.
- 9.5.2. The planners report notes that the works within Lacken Wood development have not been included as part of the development proposal and are not located on lands within the applicants' control, in particular the works identified in the DMURS Compliance Report. Moreover, the Roads Section, Waterford City & County Council are not satisfied that the proposal as submitted is in compliance with DMURS, as no upgrade works have been proposed at Lacken Wood, nor included on the drawings submitted or included within the site boundary.
- 9.5.3. Several third party observations to the appeal express concerns in respect to land ownership issues, the proposed connection to the adjoining residential development and the compliance with DMURS and the details submitted as part of the planning application in this regard.
- 9.5.4. The first party appeal comprehensively dismisses the reason for refusal. It is contended that the issue of land ownership, works aspects outside of the area covered by the Planning Application (red line). The appellant also noted that the potential to facilitate future permeability linkages through the existing Lacken Wood Residential Estate is presented within the drawing submitted as part of the first party appeal i.e. Drawing No.: 0043 Rev Co4 Proposed Lacken Wood Cycleway Site Plans and No.: 0044 Rev Co2 Lacken Wood Cycle Cross Sections. The appellant

further noted that these works can be delivered as both Belindere Homes Limited as Applicant (1st Party to the LRD Planning Application) and Waterford City and County Council as Local Authority (2nd Party to the LRD Planning Application) are not dependent on any 3rd Party to complete such works which may be required.

- 9.5.5. As such, the appellant considers that the potential to provide permeability provisions through the Lacken Wood residential estate have been outlined.
- 9.5.6. The appeal further considers that an appropriately worded condition can be attached to any Planning Permission which may be issued for the proposed development, and such to include the provision of mobility or traffic management infrastructure on public roads within and through the Lacken Wood Residential Estate, on lands not dependent on any third party to complete such works required.
- 9.5.7. In respect to landownership, the appellant notes that landownership issues outside the proposed development boundary to facilitate these permeability linkages is subject to appropriate statutory procedures which is only available to Waterford City and County Council as Local Authority. Furthermore *“the Planner Case Officers’ Planning Report outlines that Lacken Wood has been taken in charge by the Local Authority in 2016 in accordance with Section 11 of the Roads Act 1993 (and in compliance with Section 180 of the Planning and Development Act 2000), however the lands were not transferred to Waterford City and County Council at that time and remains in private ownership”*.
- 9.5.8. Moreover, the appellant considers that such a condition can be facilitated under Section 34(4)(a) and (b), Section 34(4)(m) and/or Section 34(4A) of the Planning and Development Act 2000 (as amended).
- 9.5.9. I have set out the Policy Objective Trans 09, Objective Trans 33 and Objective H02 in Section 7 above for the benefit of the Commission.
- 9.5.10. Noting objective Trans 09, the proposed site plan indicates possible pedestrian connectivity to the adjoining lands in particular to the north, east, west and south of the site. This also includes possible access to Kilbarry Natural Park to the east of the site.
- 9.5.11. The proposed site plan indicates that pedestrian connectivity can be provided from the site to Lacken Road via the existing laneway, however following site inspection, I

consider that the condition of this laneway is not suitable for pedestrians, with no footpaths, etc. and therefore I would have concerns with respect to the use of this laneway for pedestrian purposes. The applicant states that it is not proposed to use the private lane from the site to the Lacken Road for pedestrian access once the development is complete, and no upgrade works are proposed to the laneway. It is stated that a gate will be placed at the lane and the lane will be used for agricultural purposes only. No further details regarding the use of this laneway or any proposed works to same have been provided as part of the first party appeal. The use of this laneway has also been raised by third party observers. If the Commission were minded to grant permission for the development, I would recommend that any proposed pedestrian route be omitted from the proposed development to the laneway to the west of the site, in the interest of safety.

9.5.12. The proposed large scale development has considered and indicated where it can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands, and therefore, would appear to comply with the intent of objective Trans 09 of the Development Plan. However, the proposed works include the upgrades to the existing footpath, new footpaths and provision of a cycle path to adjoining public roads as detailed within the submitted Transport and Traffic Assessment and Mobility Management Plan and the submitted DMURS compliance report, these works have not been included within the red line planning application boundary. I also note that the drawing submitted as part of the first party appeal, i.e. Drawing No.: 0043 Rev Co4 Proposed Lacken Wood Cycleway Site Plans in particular, does not include the proposed upgrade works within the red line planning application boundary. As such, there is an absence of certainty that proposed connectivity/permeability to the adjoining network could be delivered given the reliance on the delivery of connections not included within the red line planning application boundary.

9.5.13. Whilst the applicant may have demonstrated they have the consent to carry out these works; all proposed works must be included within the red line planning application boundary. This has also been noted by the planning authority and forms part of the reason for refusal.

9.5.14. In respect of Objective Trans 33 with respect to DMURS and other relevant standards where appropriate, I note that the application is accompanied by a Traffic

and Transport Assessment, Mobility Management Plan, DMURS Compliance Report and Road Safety Audit.

- 9.5.15. Within the proposed scheme the existing public road to the site is 6m wide and this will be extended into the site with secondary roads and homezones in the development reduced to a width of 5metres. Furthermore, 2 metre wide footpaths are provided throughout. I also note the proposal provides permeability provisions through the Lacken Wood Residential Estate. While I am satisfied that the proposed layout within the development i.e. within the red line application boundary complies with the principles of DMURS. Several works contained within the DMURS compliance report, in particular the proposed upgrade of a section of footpath provision within the Lacken Wood estate and the provisions of a cycle path to integrate the proposed and existing development, which have been designed to the standards and principles of DMURS, are not included within the red line planning application boundary. Whilst the proposed works within the DMURS Compliance Report adopt the required design approach, as noted in Policy Objective Trans 33 of the Development Plan, I would have some uncertainty, however, that the development would be carried out in accordance with DMURS as all of the proposed works detailed have not been included within the red line planning application boundary.
- 9.5.16. The Roads section of the Council also considered that the developer has failed to satisfy that the development is DMURS compliant, given the lack of pedestrian crossings, and cycling proposals and has failed to demonstrate connectivity to the wider road network. In addition, specific details are required in respect to pathway and cycle details, build outs on straight lengths of road, and access to the pump station. Additional detail required in relation to the crash barrier, fencing, location of trees, public lighting, level of foul water pipe, permeable paving construction and sightlines. Reference is also made to the details of the Drainage Report and the requirements therein. I note that some of these details could be addressed by way of compliance condition.
- 9.5.17. Objective H02 is an overarching housing policy objective. Noting the intention of the first reason for refusal, it is my assertion that the reference to this objective in the reason for refusal relates to “new residential developments are designed and in accordance with the Design Manual for Urban Roads (DMURS)”. Having regard to

the forgoing, I am satisfied that the general principles of DMURS have been considered as part of the proposal and in this regard, I do not consider that the proposed development conflicts with Policy Objective H 02 of the Development Plan, notwithstanding the omission of certain works from the red line planning application boundary.

- 9.5.18. Issues relating to landownership and third party consents have been raised by observers. In terms of legal interest, I reference the planning application form (in particular Part 1 Section 10 Legal Interest of Applicant in the Land or Structure) and letters of consent submitted with the application. Therefore, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. I note that any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act, (as amended).

Conclusion:

- 9.5.19. While I am satisfied that the proposed development has identified the potential connectivity/permeability to adjoining sites, and can demonstrate that the development within the red line boundary will be carried out in accordance with the requirements of DMURS, as per the Development Plan, it is proposed to provide connections to and undertake works to the north of the site, which have not been included in the red line planning application boundary. Therefore there is an absence of certainty that the connectivity, permeability, and upgrades to the adjacent road network i.e. pedestrian, cycle and vehicular detailed within the Transport and Traffic Assessment, Mobility Management Plan and DMURS Compliance Report accompanying the proposed development and as detailed on the submitted plans, could be delivered in accordance with the requirements of the Development Plan and managed appropriately within the context of the permission sought given the reliance on the delivery of infrastructure for which permission has not been sought as part of the subject application or which has not been included for within the boundary of the application. As such, I consider that the proposal contravenes the requirements of Objective Trans 09 and Objective Trans 33 of the Development Plan and, therefore, recommend that permission be refused in this instance.

9.6. Traffic and Transport

- 9.6.1. At the outset, I note the second reason for refusal expressed concerns with respect to agricultural traffic movement from the existing farm via the residential development as proposed would endanger public safety by reason of traffic hazard owing to a potential conflict between agricultural traffic movements and vehicle and pedestrian/cyclist movements on site. I note that this concern was also raised at the pre-application consultation meeting.
- 9.6.2. Several third party observations have expressed concerns in relation to traffic movements, increased traffic, traffic safety and construction traffic as part of their observations. I will consider all items raised in my assessment.
- 9.6.3. The site will be accessed to the north via a proposed new entrance from the adjoining residential development (i.e. Ash Square) with all the proposed traffic to/from the scheme utilising this entrance. The new access works include a culverted watercourse road crossing extending from the existing Sycamore Avenue/Oak Drive/Ash Square road south of Lacken Wood Residential Estate. There is an existing access route traversing centrally through the site from east to west. This provides access to the existing residential dwelling and its associated farmlands to the southern portion of the appeal site. The site plan indicates that the applicant has a right of way across this lane. I noted at time of site inspection that this access road provides direct access to an existing operational farm associated with the existing dwelling.
- 9.6.4. The planner's report considered that there is a lack of detail provided in the section drawing in relation to the culvert crossing and noted that additional section drawings to be submitted prior to the commencement of development in relation to existing and proposed levels adjoining the water course either side of the location to be culverted. Drawing No. 204, titled 'Culvert Section' indicates a section of the existing watercourse with existing levels, and a proposed box culvert cross section, indicating the existing water course level, the existing ground level and the proposed road level. The drawing also indicated the proposed box culvert long section of the proposed roadway, relative to the grass verge, footpath and cycleway with the existing watercourse level identified. I am satisfied that the applicant has demonstrated the extent of the proposed culvert crossing and the associated levels, etc.

- 9.6.5. The first party appeal highlights that input has been provided from Traffic and RSA Specialists Stephen Reid Consulting. It references that the site is characterised as an area in the process of transition from agricultural to residential with residential expanding eastwards from the northern and eastern boundaries while linking with existing and proposed residential. Regard is also had to the zoning of the site which demonstrates the suitability of the area for continued residential development.
- 9.6.6. The appeal notes the delivery of the scheme in 4 phases over a 10-year timeframe, and states that the agricultural access points will be retained, ensuring that existing farming operations can continue without obstruction over the phased delivery of the overall development during the next 10 years, ultimately resulting therein that the transition process from 'agricultural' to 'residential' will be completed and the need/requirement for agricultural vehicle activities will be redundant.
- 9.6.7. It further states that the entirety of the proposed development, including Phase 4, has been assessed in the Traffic and Transport Assessment prepared by Stephen Reid Consulting, and concludes that there will be no adverse impacts on the surrounding road network. This confirms that the full completion of the scheme including Phase 4 can be accommodated without a negative impact on traffic safety or the road network capacity based on evidence led planning.
- 9.6.8. The appeal response again references the alternative design option citing that “the omission of Phase 4 as alternative presented, separates out the laneway from the proposed LRD Development Site, with an appropriate landscaped boundary between the remaining proposed LRD Development and the northern side of the laneway”, however as noted in Section 9.2 above, no details of this have been submitted as part of the first party appeal to allow a full assessment of same.
- 9.6.9. It further notes, “Stephen Reid Consulting confirms that this approach, and the layout illustrated, would be an acceptable alternative which will also be compliant with DMURS and Mobility Management considerations”.

Proposed Access Arrangements

- 9.6.10. As noted at the outset of my assessment, I will not be considering the alternative design as part of my assessment due to the material difference to the original planning application, and the substantive lack of detail submitted as part of the appeal. Therefore, having regard to the proposed arrangement under the application

lodged with the planning authority, the traffic assessment report notes that the development will be accessed via the road extension from Lacken Wood estate. It would be intended that the construction site would be accessed from the laneway on Lacken Road to eliminate construction traffic through the Lacken Wood Estate, with a one-way system proposed. The proposed auto track drawings indicate the movement of vehicular traffic through the site.

- 9.6.11. The proposal includes that the existing agricultural laneway access from Lacken Road leading into the proposed development site from the west, will be maintained and utilised as a secondary pedestrian access, with part integrated within the proposed development's internal central road network. I note from the proposed plans that traffic from the development site will not access via the existing laneway from Lacken Road.
- 9.6.12. However, in relation to the proposed pedestrian movements from the site at this location, the planner's report notes that "it is not proposed to use the private lane from the site to the Lacken Road for pedestrian access once the development is complete. It is stated that a gate will be placed at the lane and the lane will be used for agricultural purposes only". The proposed pedestrian arrangement from Lacken Road is unclear and has not been clarified in the appeal submission.
- 9.6.13. Notwithstanding, the reference in the appeal to the lands being in an area transitioning from agricultural to residential, at time of site inspection, I noted that the existing dwelling to the east and south of the site comprises of a working farm, with farm machinery present on site. Agricultural traffic and residential traffic from the existing dwelling, and farm, to the southeast of the development site will have to traverse through the site crossing the main access road/route at two points in order to exit and enter the side from the Lacken Road.
- 9.6.14. Having regard to the potential volume of traffic and pedestrians using the site, in particular at this location, with the southern quadrant accommodating some 70 no. residential units and the potential for conflict between the movement residential traffic, pedestrian/cyclist movements and agricultural traffic, I concur with the concerns raised by the planning authority in this regard.
- 9.6.15. I also note that the traffic assessment report, has not fully considered the use of this laneway for access to both the existing dwelling and agricultural buildings, which will

traverse the site. The report notes there will be no continuation of farming on the land as part of the LRD so agricultural access will not be required.

- 9.6.16. While the appeal site will no longer function as agricultural land, it adjoins an operational farm, and residential dwelling, in separate ownership, and as a result, access to the adjoining site will be required through the appeal site.
- 9.6.17. Given the lack of assessment as part of the planning application in respect to the relationship with the adjoining lands comprising a residential dwelling and operational farm, which will be accessed through the appeal site and the potential for conflict between residential traffic, cycle and pedestrian movements and agricultural traffic movements, I am not satisfied that the proposal as presented would not result in a traffic hazard and I recommend that permission be refused for this reason.

Access from Lacken Wood

- 9.6.18. Several third party observations cite concerns in respect to the proposed access to the site from Lacken Wood, the increased traffic from the development and the negative impact this will have on the residents in Lacken Wood and the road network adjoining the site. Safety has also been raised as a concern in respect to pedestrians and children playing in Lacken Wood and the increased numbers of traffic.
- 9.6.19. As noted in the forgoing, the development will be accessed via a single vehicular entrance via the Lacken Wood development to the north of the site. Notwithstanding my concerns in respect of the provision of an access road on lands zoned for open space and recreation, I will assess the potential impact of this access road from a traffic perspective.
- 9.6.20. The applicant has submitted a Traffic and Transport Assessment in support of the development. The report also assesses the traffic impacts associated with existing uses in the area in tandem with the potential level of transport impact likely to be generated by the proposed development.
- 9.6.21. Traffic counts were undertaken in 2024 at 4 key local junction locations including: Junction 1. Ballybeg Drive Roundabout (Ballybeg Drive, Lacken Road, L5021 Kilbarry Rd), Junction 2. Lacken Road/Knight's Grange access junction, Junction 3. Lacken Road Roundabout (Lacken Road NW/SW, Lacken Wood access/Lacken Road Business Park access), and Junction 4. Sycamore Avenue NW/SW, Oak Drive

T-junction in Lacken Wood estate. I am satisfied that the assessment presents an adequate account of traffic volumes for the area to assess the proposed development.

9.6.22. The traffic generation potential of the proposed development has been estimated using ARCADY software. It is estimated that the total vehicle movements generated by the proposed residential development will be 51 arrivals and 102 departures during the 08.00-09.00 (AM peak hour) and 85 arrivals and 50 departures during the 17.00-18.00 (PM peak hour), which includes the creche development.

9.6.23. I am satisfied with the accuracy and traffic generation figures presented for the scale of the proposed development. I consider that the crèche is envisaged to serve residents of the proposed development and not many trips are expected to be generated from this during the peak hours. I also note that the planner's report did not raise any issues with regards to post development traffic flows.

9.6.24. As part of the junction analysis the following scenarios were modelled – 2035 (Opening Year), 2040 (Opening Year + 5 Years) and 2050 (Opening Year + 15 Years). Each year was modelled with and without development. The traffic network modelling assessment results revealed that the impact is most significant on the Lacken Road between the Lacken Wood estate and the Ballybeg Drive Roundabout, and on Oak Drive between Sycamore Drive and the LRD access. It considered that there is a lesser extent of impact on the Kilbarry Road (south) and Ballybeg Drive given the proportion of development traffic uses these arms. The assessment noted that the percentage impact is only +7.03% (AM peak) and +5.25% (PM peak) in the 2035 completion year.

9.6.25. In future years, the assessment noted the percentage increases on the key external road links and through the external junctions due to the proposed development, with post development traffic increasing the flow from 45 pcu to 198 pcu (2035 AM peak) and 53 pcu to 188 pcu (2035 PM peak).

9.6.26. The Traffic and Transport Impact Assessment has confirmed that *“that the additional traffic during the peak hour or across the daytime period would have no significant impact on operational capacity of the Ash Square-Oak Drive-Sycamore Drive route to/from the Lacken Road Roundabout, or on the Lacken Road between the Lacken Road Roundabout and the Ballybeg Drive Roundabout. As there is an impact on all*

arms of the Ballybeg Drive Roundabout this junction has been modelled for the Do Nothing and Do Something AM and PM peak hours”.

9.6.27. In this regard, I am satisfied that the proposed access arrangements and adjoining road network could safely and adequately accommodate the potential increased traffic levels as a result of the proposed development.

Safety

9.6.28. A number of concerns have been expressed in relation to safety in the adjoining estate as a result of the proposed development and increased traffic. While I acknowledge that there will be a greater volume of traffic as a result of the development, I am satisfied that the proposed access and egress arrangements to the site, in addition to the proposed footpath network within the scheme would be acceptable with respect to traffic and pedestrian safety.

9.6.29. However, I have concerns in relation to the potential volume of traffic and pedestrians using the site, in particular at the intersection with the southern quadrant of the development and the existing laneway, and the potential for conflict between the movement residential traffic, pedestrian/cyclist movements and agricultural traffic through the site as noted above.

9.6.30. Objective 51 of the Development Plan in respect of Mobility Management Plans, Traffic and Transport Assessment (TTA) and Road Safety Audits, requires all applications for significant development proposals in accordance with DM Standard set out in Volume 2 to be accompanied by Mobility Management Plans (MMPs), Traffic and Transport Assessment (TTA) and Road Safety Audits.

9.6.31. Section 8.5 Volume 2 of the Plan references the requirement of Road Safety Audits for development requiring the provision of new vehicular access.

9.6.32. I note that the application is accompanied by a Stage 1 Quality Audit, inclusive of a Stage 1 Road Safety Audit, and the recommendations therein have been incorporated into the overall design proposal for the scheme and as such accords with Objective 51 of the Development Plan, as noted above.

9.6.33. The planners' report does not reference the submitted Road Safety Audit, and no conditions/recommendations pertaining to same have been requested by the Council's Roads Department.

9.6.34. While a Stage 1 Quality Audit has been submitted, in the interest of completeness and should the Commission be minded to grant permission, I recommend the inclusion of a condition in respect of the submission of a final Road Safety Audit for the agreement of the Planning Authority prior to the commencement of development on site.

Access to Public Transport

9.6.35. An observer notes the distance to and lack of public transportation in the vicinity. In relation to existing public transport (i.e. bus) the Traffic and Transport Assessment notes that *“There are bus stops on Ballybeg Drive (route W1) and the Kilbarry Road (route 360A) and further stops where these routes intersect with other routes on the Cork Road, to the north of the Kilbarry Road junction”*.

9.6.36. The TTA also notes *“The frequency of bus services stopping within walking distance of the LRD site is reasonable, but an increased frequency and additional stops serving the newer development areas to the east and west of the Lacken Road would improve the overall level of accessibility, combined with improved pedestrian accessibility to the stops on Kilbarry Road and Tramore Road to reduce walking distances”*.

9.6.37. The site can benefit from public transport facilities, which are within walking distance from the site, however I would concur with the TTA report that this network could be improved to provide additional public transport facilities to the area.

Parking Provisions

9.6.38. In terms of car and cycle parking provision, the development includes a total of 406 no. (short and long stay) cycle parking spaces and 409 no. car parking spaces.

9.6.39. Table 7.1 Car Parking Standards, of Volume 2 of the Development Plan 2022-2028 Development Plan provides guidance for parking associated with new residential development i.e. house/dwelling/apartment. The Plan requires for 1-2 bedrooms: 1space, for 3bedroom+: 2 space and in relation to visitor parking: For every 4 residential units provided with only 1 space, 1 visitor space shall be provided in addition.

- 9.6.40. 118 no. parking spaces will serve the proposed apartment development with each dwelling providing 2 no. spaces (i.e. 248). This complies with the Development Plan requirement in respect of parking provision for residential development.
- 9.6.41. In terms of cycle parking Table 7.3 notes the standards for residential developments where a minimum of 2 bicycle parking spaces are provided per 5 apartment units, and 2 spaces provided for dwellings i.e. 5 units for 2 bed house and 5 units 3+ bed house. The proposed cycle parking spaces, complies with the Development Plan requirements.
- 9.6.42. I also note that 18 no. parking spaces are proposed to serve the creche development, including a set down area, which accords with the Development Plan requirement of 1 per employee and 1 per 4 children (Table 7.3).
- 9.6.43. I am satisfied that the proposed car and bicycle parking provision can adequately accommodate the parking demand associated with the proposed development.

Construction Traffic

- 9.6.44. Several third party observations express concern in respect to construction traffic via the laneway and via the existing Lacken Wood estate. In respect to construction traffic, I note that it is proposed that construction traffic access the site via the laneway to the west, accessed off the Lacken Road and not via the Lacken Wood estate. The planners report also noted that *“The suitability of the Lacken Road and the private lane to accommodate construction traffic is raised in observations/submissions on file. The Lacken Road is a local secondary road without public lighting for footpaths for a large section of the roadway”*. While I note that the existing laneway will be used for agricultural traffic, the Preliminary Construction Traffic Management Plan details the movement of construction traffic and also includes a traffic safety management plan for the proposed development.
- 9.6.45. While I note that additional traffic will be utilising this laneway during construction, I am satisfied that this will be properly managed with the delivery of building material intermittent and with specific routes and control measures, where necessary. If the Commission were minded to grant permission I recommend the inclusion of a condition in respect to the final Construction Traffic Management Plan with final details of same to be agreed with the planning authority prior to the commencement of development on site.

Conclusion:

9.6.46. Having regard to the potential volume of traffic and pedestrians using the site, in particular at the intersection with the southern quadrant of the development and the existing laneway, which will be retained for use associated with the existing dwelling and associated farm to the east and south of the site, and the lack of assessment by the applicant in respect to this relationship and the potential for conflict between the movement residential traffic, pedestrian/cyclist movements and agricultural traffic through the site, I am not satisfied that this will not result in a traffic hazard and therefore I recommend that permission be refused.

9.7. Residential Amenity (Reason for Refusal 3)

- 9.7.1. The third reason for refusal expressed concerns with regard to the impact of the proposed development on the residential amenity of the existing single storey dwelling to the southern section of the site, which is access via the existing private roadway. The planner's report noted the finished floor levels of the dwellings to the north of the existing single storey property are positioned at a lower gradient, additional details are required in relation to how the site levels are dealt with. The report also considered the relationship between the development and the existing single story property accessed from the private lane is not clearly demonstrated on the submitted section drawings.
- 9.7.2. As part of the first party appeal, it is noted that the proposed development is located in an area in the process of transition from agricultural to residential, with residential expanding eastwards from the northern and eastern boundaries. The appellant contends that the proposed development would not detract from the residential amenity of existing residential due to separation distances and compliance with guidelines. The appellant also notes that that the provision of new development is challenging, especially where the challenge is to integrate a proposed new development within existing communities, who may prefer the status quo to be retained, even if that might reduce opportunities for rejuvenation and drive urban expansion outwards.
- 9.7.3. Moreover, the appeal asserts that the planners report is in contradiction with reason for refusal no. 3, having earlier referenced (Policy Objective H20) that the proposal as submitted will not unduly impact on residential amenities of adjacent properties in

terms of privacy and the availability of daylight and sunlight. It was also noted that the site is not a smaller suburban infill site; the density is at the lower end range of the required standards.

- 9.7.4. It also references that Waterford City and County Development Plan 2022-2028 set out that as a general rule that there should be a minimum separation distance of 22 metres between directly opposing ground floor windows for new, reciprocal overlooking housing.
- 9.7.5. Attention is also drawn to Drawing No.: 0027 Rev Co4 Boundary Types as lodged with the LRD Planning Application to Waterford City and County Council, detailing that Boundary Type D (1.8 metre high concrete post with concrete planks fencing), which will be provided to the north of the agricultural laneway, and east on the shared boundary.
- 9.7.6. The appellant references the site plan with phase 4 omitted, however, as noted above the alternative design is materially different will not be considered as part of my assessment of this appeal.
- 9.7.7. To the west, i.e. the front of the existing dwelling, the proposed development is set back some 57metres. The side elevation of the proposed apartments addresses the front of the dwelling and extend to a height of 9.5 metres. I note that the front of the dwellings to the southern portion of the site will also be visible from the front of the existing dwelling, however, these will be partly shielded from the existing farm buildings positioned on the adjoining site.
- 9.7.8. To the northwest and north, i.e. the side of the existing dwelling, the proposed development provides a separation distance of between 24.9 and 33 metres. At this juncture the dwelling addressed the side and rear of the apartments and the rear of the three and four bed semi-detached dwellings. The apartments extend to a height of 9.5 metres with the dwellings at an overall height of 8.6 metres. The dwellings have standard first floor windows to their rear elevations.
- 9.7.9. To the northeast and east, i.e. the rear of the existing dwelling, the proposed development is some 35 – 50 metres from the existing dwelling. The proposed apartments are orientated to the north and, therefore, do not address the rear amenity space of the existing dwelling. The proposed three and four bed semi-

detached dwellings are some 50 metres from the rear of the existing dwelling, with rear gardens opposing.

- 9.7.10. I concur with the planning authority in respect to the lack of detail submitted as part of the planning application, in particular sectional drawings to indicate the relationship between the proposed development and the existing dwelling to the south and southeastern portion of the site. Moreover, I acknowledge that the existing dwelling to the south/southeast of the proposed development site will be enclosed by the development to its north, east and western site boundaries and the development will be visible from this site. Notwithstanding, having regard to the site layout, the orientation of the proposed apartments and dwellings and the separation distances between the proposed development and the existing dwelling, I do not consider that the proposed development would detract from the residential amenity of the existing dwelling by means of overlooking or overbearing and complies with the Development Plan with respect to minimum separation distances (i.e. 22 metres).
- 9.7.11. Concern is raised in a third party observation in respect to the relationship between the proposed development and the dwellings to the west of the site and the resultant negative impact on the residential amenity of these dwellings. I note the proposed separation distance between the proposed development and the adjoining dwellings to the west of the site, i.e. some 46 metres – 102 metres. In this regard, I am satisfied that adequate separation distance is proposed to ensure the residential amenity of the adjoining sites is not impacted upon by means of overlooking.
- 9.7.12. Noting the location of the development in the context of the existing houses in area, I am satisfied that any impacts on the daylight received by the surrounding dwellings would be minimal.
- 9.7.13. The application includes a sun study - drawing no. 2331 - DLA - XX - XX - DR -A 0011 C03 relates. This drawing indicates a sun study at June, September and December intervals within the proposed development and does not represent the proposed development relative to the adjoining sites.
- 9.7.14. I am satisfied that the drawing indicates adequate sunlight/daylight provision to the future occupants of the development and indicates that the proposed areas of open space within the scheme will receive adequate sunlight/daylight.

9.7.15. Having regard to the layout of the proposed development and the separation distances to the nearest residential dwellings as noted above, I am satisfied that the development would not unduly impact the available sunlight daylight to the existing residential dwellings in the immediate vicinity of the site.

Conclusion:

9.7.16. Therefore, I am satisfied that the development as proposed would not impact negatively on the residential amenity of the adjoining dwellings, in terms of overlooking, overbearing or overshadowing, in particular to the southern section of the site, which is accessed via the existing private roadway, and I do not recommend that permission be refused in this regard.

9.8. Other Matters

Open Space

- 9.8.1. Reference is made in an observation to the insufficient open space to serve the proposed development and assert that the proposed development contravenes Policy Objectives SC39, SC41, SC42 and SC43 of the Development Plan, which are the overarching open space policy objectives.
- 9.8.2. Objective SC 39 relates to open space specifically to the objectives of the Waterford Metropolitan Open Space, Recreation and Greenbelt Strategy which seeks to identification a location for a Regional Scale Park within the Waterford Metropolitan Area as well as the development of neighbourhood parks and open spaces.
- 9.8.3. Objective SC 41 requires that a hierarchy of attractive parks and public open spaces, which vary in size and nature, are all inclusive, and at a convenient distance from people's home and/ or places of work be provided.
- 9.8.4. Objective SC 42 emphasis the protection of existing public and private recreational open space with the loss of such facilities will normally be resisted unless alternative recreational facilities are provided in a suitable location, and Objective SC 43 requires that additional open space at a minimum rate of 2.83ha (7 Acres) per 1000 population, be provided, where practical.
- 9.8.5. I note that the aforementioned are overarching policy objectives with respect to open space. In any event, the proposed development does not impact or infringe on the adjoining Kilbarry Park and will provide direct pedestrian/cyclist access to the park.

Open space is also proposed to serve the scheme, which I discuss further below. Moreover, the proposal provides for dedicated open space within the scheme.

- 9.8.6. In this regard, I note that Table 3.1 of the Development Management Standards (Volume 2) of the Waterford City & County Development Plan 2022-2028 states that public open space should be provided at a minimum rate of 15% of total site area. Moreover, Policy and Objective 5.1 (Public Open Space) of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 require a public open space provision of not less than a minimum of 10% of net site area, and not more than a maximum of 15% of net site area save in exceptional circumstances.
- 9.8.7. The proposed development provides for 18% public open space, with this area located within the residential zoned lands. There is also a larger area of open space to the east of the site on the high amenity zoned lands, with pedestrian access provided to the adjoining Kilbarry Nature Park. I am satisfied that the development is served by sufficient public open space and therefore complies Objectives SC39, SC41, SC42 and SC43 of the Development Plan.
- 9.8.8. A large section of the open space to the north of the site will comprise SuDS ponds/wetlands, I note that these lands are zoned high amenity. I reference the Development Plan, (Section 8.6) creating green sustainable, attractive multifunctional places which states that well-designed places should integrate existing and incorporate new natural features and elements of green infrastructure (both man-made and natural) into a multifunctional network, including linkages, that support quality of place, biodiversity and water management, and addresses climate change mitigation and resilience. These lands will also provide an amenity spaces/walkway which will allow for pedestrian access to the Kilbarry Nature Park. This has also been noted in the planners' report.
- 9.8.9. In addition, each residential unit is served by dedicated private amenity space in accordance with Development Plan requirements.

Legal and Procedural Issues

- 9.8.10. Reference is made in the third party observations to non-compliance with planning conditions pertaining to the adjoining residential development at Lacken Wood. I note that whilst the red line boundary partly includes some of the adjoining site to the

north, the matter of enforcement falls under the jurisdiction of the planning authority and is not a matter for the Commission.

- 9.8.11. In addition, reference is made in a third party observation to the fact that no consent is given to the developer for any interference with the legal site boundary of the adjoining site to the west. This is, however, a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

Flooding

- 9.8.12. Concern have been raised in the third party observations in respect to potential flooding in particular the green area to the north of the site at Lacken Wood and the adjoining laneway. Reference was also made to the risk of flooding and associated concerns with respect to the proposed attenuation ponds.
- 9.8.13. An area of the site includes lands identified as Flood Zone A and B. These lands are located to the east of the overall site in the lands zoned 'high amenity'. The proposed SuDS 'pond 3' is located adjacent to Flood Zone A and the remainder of the identified flood zones A and B are located to the south of the proposed 'pond 3'. The identified flood zones do not extend to any of the lands zoned new residential, and as such no houses/apartment units are proposed on these lands.
- 9.8.14. A Site Specific Flood Risk Assessment accompanies the proposal. This assessment highlights that a portion of the lands along the East is located within a fluvial & tidal Flood Zone as indicated on Drg 23022- 101-103, however this area lies outside the residentially zoned lands and is located in the High Amenity zoned lands. The assessment also states that there is no development proposed in this Flood Zone, which is outside the residentially zoned lands, and that the CFRAM maps show "*a 0.1% Fluvial AEP and 0.1% Tidal AEP flooding in this area to a depth of 0.5 to 1.0m, which translates to a Flood Level of ranging from 4.0 to 4.5m. The highest flood level of 4.5m is below the lowest level of the development at Road Level at 6.0 m and Pumping station level of 5.5m. There is no indication that there is any risk on Pluvial Flooding in this Area*".
- 9.8.15. I have also reviewed the flood maps from the OPW National Flood Informaiton Portal, in particular the past flood events, and can confirm that no flood events have been identified on the site. I also note that according to the CFRAM maps, that a

portion of lands to the east is located within fluvial and tidal flood zone. However, there is no indication that there is any risk of flooding in this area, and there were no signs of flooding or excessive water present on site at time of my inspection.

- 9.8.16. The proposal includes three wetland attenuation ponds with a storage capacity of 4076m³, 497 m³ and 1387 m³ along the northern end of the development. It is noted that the overall run-off storage required for a 1:100-year storm event is 2291.6m³.
- 9.8.17. The Planning Drainage Report accompanying the planning application notes that *“each pond will be interlinked and will flow into the Discharge Manholes S10 along the Eastern boundary which will have a Hydro brake restricting the flow of surface water from the site of 22.0 litres / Sec into the adjoining Kilbarry bog in attempt to replicate the current agricultural run-off”*.
- 9.8.18. I note that attenuation ponds (balancing ponds) are designed to prevent flooding by storing stormwater and releasing it slowly and as a result significantly reduce overall flood risk for new developments subject to proper maintenance. The proposal also includes various SUDs measures including permeable paving in the driveways, hardstanding, pathways around the houses. I am satisfied that the proposal would be acceptable for this site.
- 9.8.19. The planner’s report references the Site Specific Flood Risk Assessment and notes any flows on site will be maintained into the wetland via 2 no. filter drains towards the wet woodland/reed area and concludes that no further flood assessment is warranted. In relation to flooding to roads in the wider area, the planner notes that the development is removed from the junction of the Lacken Road and Tramore Road and that surface water will be managed on site.
- 9.8.20. Based on the Site Specific Flood Risk Assessment provided, noting that the identified flood zones do not extend to any of the lands zoned residential, and the layout of the proposed development, I am of the opinion that the proposed development is unlikely to pose any adverse impact on flooding at this location nor impact on flooding of adjoining sites or roadways. I am also satisfied that the proposed surface water management for the site will ensure no undue flooding will occur.

9.8.21. Moreover, I do not consider that the attenuation ponds on site will pose a risk in relation to flooding or other related concerns.

Social Infrastructure:

9.8.22. Concerns are raised in the observations in respect to the lack of existing local services to cater for the increased population i.e. primary schools at capacity and no extra services proposed.

9.8.23. I note that the application site includes a two storey creche. The proposed creche is located at the northeastern edge of the development, immediately adjoining the main spine road, has a floor are of 310.26 sq. m. with a capacity for 40 no. children. A dedicated creche garden is provided with an area of 372.17 sq. m.

9.8.24. I note that the Childcare Facilities: Guidelines for Planning Authorities, 2021 requires one childcare facility per 75 dwellings in new housing developments. This is also echoed in Section 7.19 of the Development Plan.

9.8.25. Having regard to the zoning objective pertaining to the site, 'new residential', I note that Childcare Facility/ Crèche is open for consideration under this land use zoning objective.

9.8.26. I am generally satisfied with the proposed siting, layout, and design of the proposed creche within the scheme, which accords with the Development Plan and the Childcare Guidelines. I note the specific references in respect to the lack local services, however, I consider that this is outside the remit of the applicant as part of this planning application.

Phasing

9.8.27. Objective Development Management DM 04 of the Development Plan, 2022 - 2028 notes that applications are required to submit a proposed phasing arrangement. Specifically, Table 3.1 General Standards for New Residential Development in Urban Areas states that "*The Council will require a detailed phasing plan to be submitted with any planning application for residential or mixed-use development. The Phasing Plan shall indicate how each phase shall be completed satisfactorily, in terms of roads/lighting/landscaping, etc. prior to an additional phase commencing*".

9.8.28. Concerns have been raised in the third party observations with respect to the proposed timeframe and uncertainty surrounding the delivery of the scheme.

9.8.29. The proposed development is for a 10 year permission. Within their Construction Environmental Management Plan, it is stated that the proposal will be developed in a number of phases. It is proposed to development the site in 4 no. of phases and a phasing plan for each phase has been submitted as follows:

- Phase 1 – works to the northern portion of the site, including the proposed access road, residential units, childcare facility, port of the open space to the north and east and SuDS ponds to be provided.
- Phase 2 – works to the eastern and southeast portion of the site, including access road, dwellings and open space to be provided.
- Phase 3 – works centrally located within the site comprising of access roads and residential units to be provided.
- Phase 4 – works located to the southern portion of the site comprising of access roads and residential units to be provided.

9.8.30. I am satisfied that the proposed phasing generally accords with the Development Plan. I also consider that a proposed 10-year permission would generally be acceptable for the delivery of a large scale residential development. If the Commission were minded to grant permission a condition could be attached to ensure agreement on the final phasing programme and/or to ensure the delivery of the proposed creche and SUDS features in tandem with a specific phase of development.

Building life Cycle

9.8.31. Objective Development Management DM 06 of the Development Plan, 2022 – 2028, also notes that residential development design standards for developments shall be in accordance “with the *“Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities” (2009), and “Sustainable Urban Housing Design Standards for New Apartments”, or any subsequent amendment/ revision of these”*.

9.8.32. To this end I note Section 6.2 of the Apartment Guidelines, 2025, which states that “, *planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as*

well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents”.

- 9.8.33. The applicant has not submitted A Building Lifecycle Report in this regard. If the Commission were minded to grant permission a condition could be attached to ensure agreement on A Building Lifecycle Report to ensure the proposed development accords with the Development Plan and the Apartment Guidelines, 2025, in this regard.

Archaeology

- 9.8.34. The report from Department of Housing, Local Government and Heritage, noted the location of the site and the potential for any surviving archaeological remains/features to be impacted upon, the completion of an Archaeological Impact Assessment Report was requested by way of further information. In the event the Commission be minded to grant permission this item be addressed by way of appropriate condition.

Biodiversity

- 9.8.35. Concerns have been raised in respect to ecology and the environment, in particular to species including otters, bats and badgers on site and the potential impact on the adjoining wetlands, St. John’s River and the Lower River Suir SAC. Regard was also had to the lack of bat surveys.
- 9.8.36. The planning application includes a Stage 1 Screening for Appropriate Assessment, Natural Impact Statement, EIA Screening Report and Ecological Impact Assessment. I have considered and assessed the impact of the proposed development on biodiversity in Section 11 (Appendix A-B) and Section 12 (Appendix D) of this report.

Loss of Trees and associated works

- 9.8.37. Concerns have been raised in the observations in respect to the loss of trees, the proposed new cycle path and lighting.
- 9.8.38. The development will include the loss of some planting; however extensive existing vegetation will remain on site with the addition of proposed new planting which will soften the appearance of the proposed development and will provide for an attractive public realm. I also not that the existing planting adjoining the park to the east of the

site will be retained. With respect to the loss of trees within the adjoining site to the north, i.e. Lacken Wood, while some tree loss is proposed to provide the access to the site, concerns in this regard have been noted in the foregoing assessment, this is a civil matter and not a matter for the Commission under this appeal.

9.8.39. I do not consider that the proposed cycle path and associated lighting within the scheme to impact negatively on adjoining amenity.

Impact on character of the area

9.8.40. The observations consider that the proposal is out of character with the area and notes the existing agricultural use of the lands.

9.8.41. While the site is currently in agricultural use, and the adjoining farm has been noted, the lands are zoned for residential development. To the north, and west, are existing residential dwellings, with an existing dwelling and associated farm to the east and south (which will continue to operate as such). The lands further located to the south and southeast of the site are subject to a planning application for a residential development comprising 99 no. dwellings (consisting of apartments, duplex units, semi-detached and terraced dwellings and creche), as referenced in Section 6 of this report.

9.8.42. To this end, I do not consider that a residential scheme on the appeal site would impact negatively on the existing character of the area.

10.0 Water Framework Directive (WFD)

10.1. Introduction:

10.1.1. To the northern portion of the site a stream and drainage ditches flow into St John's River, which is a recorded waterbody on the EPA catchments database, i.e. ST JOHN'S_020 Site Code: IE_SE_16S030600.

10.1.2. In terms of the groundwater body, the Waste Facility (W0018-01) Site Code: (IE_SE_G_175) is the applicable groundwater body and is a recorded waterbody on the EPA catchments database.

10.1.3. An observation has expressed concerns that the waterbody is classified by the EPA of at risk under the Water Framework Directive.

10.1.4. The proposed development comprises of the construction 243 residential units, childcare facility and associated site works on lands at Lacken Road, Kilbarry, Co. Waterford.

10.1.5. I have assessed the residential development at Lacken Road, Kilbarry, and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.1.6. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix E after my report. This assessment considered the impact of the development on the:

- Waterbody
- Groundwater

10.1.7. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

10.2. **Conclusion:**

10.2.1. 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.

11.0 **Appropriate Assessment**

11.1. 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 (Site Code: 002137) in view of the sites conservation objectives and the Appropriate Assessment under the provisions of Section 177U was required.

11.2. Following an examination, analysis and evaluation of the NIS all associated material submitted (**I refer the Commission to Appendix A and B in this regard**) I consider that adverse effects on site integrity of the Lower River Suir SAC (Site Code: 002137) can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

11.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, the Construction & Environmental Management Plan, Construction Waste Management Plan, the Environmental Impact Assessment Screening, and the Ecological Impact Assessment.
- If permission is granted the application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

12.0 Environmental Impact Screening

12.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) and submitted an EIA Screening Report (Prepared by The Planning Partnership – Dated September 2025), an Ecological Impact Assessment (prepared by Russell Environmental and Sustainability Services Dated March 2025) has also been submitted, and I now have regard to same. The submitted report concludes *“Accordingly, it has been found, whilst undertaking the requisite Screening exercise using the requisite professional judgement as relying on the available information, that no significant negative effects have been found or identified as to cause the requirement for an Environmental Impact Assessment”*.

12.2. The applicant submitted an EIA Screening Statement with the application, and I am satisfied that this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

12.3. In respect to ecology, in particular bats, which has been raised as an issue in the third party observation, in particular the lack of detailed surveys. The EIA Screening report references that *“there were no buildings on the site and any mature trees,*

suitable as bat roosts were outside of the redline boundary, therefore it was not deemed necessary to carry out a bat survey”.

- 12.4. The hedgerow and treeline could be used for foraging birds and bats; therefore any proposed removal of hedgerow/trees will be during the appropriate time as detailed in the mitigation measures.
- 12.5. The report further notes that *“The Common Pipistrelle Pipistrellus pipistrellus bats’ range is widespread throughout Ireland and is commonly found during bat surveys and this plus other species are likely to be foraging the site”...Although dusk and dawn surveys were not completed, it is likely that bats may forage along the treelines/hedgerows and watercourse to access insects, hence any tree removal or undergrowth cutting back should take place during the bat hibernation period (1st November to 1st May). In addition, ‘Bat-sensitive lighting’ should be implemented for this development and during construction all lighting should be directed away from the treelines”.*
- 12.6. The report proposes measures related to bats, including:
- Should any bats be found on the site then works should cease and the ecologist should be contacted immediately. Work will only resume on the advice of the ecologist.
 - ‘Bat-sensitive lighting’ should be implemented for this development and during construction all lighting should be directed away from the treelines.
 - Any tree removal or tree surgery works should take place between 1st September until the 28th of February to minimise impact on bird and bat species.
- 12.7. Having regard to the foregoing, while no dusk and dawn surveys were undertaken, I am satisfied that the potential impact on bats has been considered as part of the EIA Screening and it is evident that the proposed development would have a long-term not-significant negative effect on bats, and through the implementation of the mitigation measures in respect of bats. I am satisfied that the development will not impact on any roosting bats on site subject to mitigation measures.
- 12.8. The planners report noted that dusk and dawn surveys were not completed and references it is likely that bats may forage along the tree line/hedgerows and water

course. The planner recommended that any tree removal or cutting back of tree lines/hedgerows be undertaken during bat hibernation period and recommended that bat sensitive lighting be implemented for the development and all lighting during construction should be directed away from tree lines. This is in line with the proposed mitigation measures outlined above.

12.9. I note that the observations also reference otters and badgers on site. The report also notes in respect to fauna that No Badger setts were present or was there any evidence of Otter *Lutra lutra* at the time of the survey (carried out on 28th January 2025).

12.10. The various reports submitted with the application also address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various standard construction practices recommended, the proposed development will not have a significant impact on the environment.

12.11. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.

12.12. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

12.13. I concur with the Planning Authority in their Screening determination as follows;

“An EIA Screening Assessment has been submitted with the application. The stated site area is 7.8 hectares and planning permission is sought for 143 residential units, both of which are subthreshold for a mandatory EIA. The submitted screening report concludes “that no significant negative effects have been found or identified as to cause the requirement for an Environmental Impact Assessment and an associated

Environmental Impact Assessment Report (EIAR).” The submitted screening report considered the proposal against the criteria contained in Schedule 7 of the Planning and Development Regulations 2001, as amended. I have reviewed the details provided in the EIA Screening Report and the details provided with the application. Based on the information submitted with the application, Waterford City and County Council has considered the nature, size and location of the proposed development in the context of the criteria set out in Schedule 7 to the 2001 Regulations and is satisfied the proposed development, by itself or in combination with other projects, is not likely to have significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded”.

*I note the typo in the planners report with respect to the number of units i.e. 143.

12.14. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

Screening Conclusion:

12.15. Having regard to: -

1. The criteria set out in Schedule 7, in particular

(a) the nature and scale of the proposed development, within the existing site context

(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. The results of other relevant assessments of the effects on the environment submitted by the applicant, i.e. An Appropriate Assessment Screening (Stage 1), Natura Impact Statement and the referenced Ecological Impact Assessment Report were provided in support of the application.

3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

12.16. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations – as noted in Appendix D of this Report (Form 3).

13.0 Conclusion

13.1. The application is for the construction 243 residential units, childcare facility and associated site works on lands at Lacken Road, Kilbarry, Co. Waterford. Eight (8 no.) third observations were received and their concerns have been summarised and considered as part of my assessment.

13.2. The planners report concluded that the location of the works within Lacken Wood development have not been included as part of the development proposal, are not located on lands within the applicants control and the Roads Section are not satisfied on the basis of the information provided with the application that the proposal as submitted is in compliance with DMURS and related Active Transport: Cycling and Walking and Road and Street Network Policy Objectives.

13.3. It also considered that there is a conflict between the traffic/access from the existing farm through the residential development and that the proposal as submitted is premature until such a time as it is demonstrated that the site can be developed without traffic from the farm traversing the site.

13.4. Concerns were also raised in relation to the relationship between the proposed development and adjoining residential properties (with particular reference to the

existing single storey dwelling accessed from the private lane), and permission was refused on 6th November 2025 on this basis.

- 13.4.1. Following my assessment of the development I also note that the is dependent upon connections to provide for connectivity/permeability/upgrades to the adjacent road network i.e. pedestrian, cycle and vehicular and/or to adjacent lands to the north of the site which are located outside of the application boundary. Therefore, there is an absence of certainty that the connectivity/permeability/upgrades to the adjacent road network i.e. pedestrian, cycle and vehicular detailed within the Transport and Traffic Assessment, Mobility Management Plan and DMURS Compliance Report accompanying the proposed development could be delivered.
- 13.5. In addition, I share similar concerns with respect to the agricultural traffic movement from the existing farm via the residential development as proposed, which would endanger public safety by reason of traffic hazard owing to a potential conflict between agricultural traffic movements and vehicle and pedestrian/cyclist movements on site.
- 13.6. The NIS concluded that adverse effects on the site integrity of the Lower River Suir SAC, or any Natura Site.
- 13.7. The EIA Screening determined that the development was below threshold in respect EIA and that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.
- 13.8. The WFD assessment concluded that the proposed development would not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise effect any water body in reaching its WFD objectives.
- 13.9. However, the fundamental concern on the appeal site is the reliance on the delivery of infrastructure for which permission has not been sought as part of the subject application, or which has not been included for within the boundary of the application and therefore uncertainty remains in respect to the delivery of these works in line with the required guidelines. In this regard I consider that the proposed development if permitted would contravene the requirements of Policy Objective Trans 09 and Policy Objective Trans 33 of the Waterford City and County Development Plan,

2022-2028. I also note the concerns with respect to the existing laneway and the interactions between the site and the movement of existing vehicular and agricultural traffic through the site from a traffic and pedestrian/cyclist safety perspective.

14.0 Recommendation

14.1. Having regard to the above assessment, I recommend that permission be REFUSED for the proposed large scale residential development based on the reasons and considerations set out below.

15.0 Reasons and Considerations

15.1. The development, as proposed, is dependent upon connections to provide for connectivity/permeability/upgrades to the adjacent road network i.e. pedestrian, cycle and vehicular and/or to adjacent lands to the north of the site which are located outside of the application boundary of the site for which permission is sought. Notwithstanding the written consent provided by the owner of the lands, the Commission considers that there is an absence of certainty that the connectivity/permeability/upgrades to the adjacent road network i.e. pedestrian, cycle and vehicular, detailed within the Transport and Traffic Assessment, Mobility Management Plan and DMURS Compliance Report and the associated plans accompanying the proposed development, could be delivered and managed appropriately within the context of the permission sought given the reliance on the delivery of infrastructure for which permission has not been sought as part of the subject application or which has not been included for within the boundary of the application. The proposed development would, therefore, contravene the requirements of Policy Objective Trans 09 and Policy Objective Trans 33 of the Waterford City and County Development Plan, 2022-2028, and would thereby be contrary the proper planning and sustainable development of the area.

15.2. Having regard to the layout of the proposed development and its relationship with the adjoining site to the south comprising a residential dwelling and operational farm, the Commission is not satisfied that the agricultural traffic movement from the existing farm via the residential development as proposed would endanger public safety by reason of traffic hazard owing to a potential conflict between agricultural traffic

movements and vehicle and pedestrian/cyclist movements on site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Emma Nevin

Planning Inspector

11th March 2026

Appendix A - Screening for Appropriate Assessment - Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project

In brief, the project is a large-scale residential development, comprising 243 no. dwellings and 1 no. childcare facility and proposed access road and parking facilities including all other associated site development works.

The project seeks connections to public mains water supply, wastewater drainage and surface water drainage on Ross Road. The application includes a Confirmation of Feasibility from Uisce Éireann which identifies that both water and wastewater connections are feasible subject to upgrade.

I have consulted Uisce Eireann's on-line capacity registers which confirms that capacity is available in both water and wastewater services in the area.

At the northernmost boundary of the site is a minor watercourse that connects with the flow network for St John's River. It flows adjacent to the northern site boundary and connects with the drainage ditches from Kilbarry Eco Park and then into St John's River.

Run-off from the current 6.2 hectares of agriculture lands flow in an Easterly direction towards the High Amenity Zoned Wetland / existing stream.

During operation, surface water runoff from the footpaths, roads, carparks, cycleways in the public realm within the development will be an impermeable construction. The run off from which will flow into the constructed wetlands and then discharged into Kilbarry Bog.

The overall run-off storage required for a 1:100-year storm event is 2291.6m³ and this volume will be met via the 3 no constructed wetland attenuation Ponds with a storage capacity of 4076m³, 497 m³ and 1387 m³ and along the Northern end of the development. Each Pond will be interlinked and will flow into the Discharge

	Manholes S10 along the Eastern boundary which will have a Hydro brake restricting the flow of surface water from the site of 22.0 litres / Sec into the adjoining Kilbarry bog in attempt to replicate the current agricultural run-off.
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site is located on south of Lacken Wood Residential Estate and east of Lacken Road, in the townland of Kilbarry at Lacken Road, Waterford. The site, with a stated area of c.7.85ha is predominantly greenfield in nature under grass. The is currently in agricultural use, horses were present on site at time of my inspection. There are two agricultural structures (barn and shed) on site, for demolition.</p> <p>The proposed development site is dominated by improved agriculture grassland with wet grassland and some spoil bare ground. This is a managed habitat with low diversity. There are mature treelines present along the northern and eastern boundaries of the site, with hedgerows to the southern and westerns boundaries. Other trees are scattered centrally within the northern portion of the overall site.</p> <p>Land use in the vicinity of the site is dominated by residential development with existing housing estates located to the north as well as individual dwellings to the west and southeast. There is an adjoining farm landholding to the east and southeast of the site.</p>
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	Concerns have been raised in the third-party observations with respect to the potential impact of the development on the Lower River Suir SAC and the Kilbarry Bog which is a designated Natural Heritage Area.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, 05/03/2026)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Kilbarry bog pNHA (001700)	Natural Heritage Areas (NHA) National Parks & Wildlife Service pNHA Site Synopses archive	193m east	<p>Due to the elevations of the site, there is a potential likelihood of runoff into St John's River and Kilbarry Bog pNHA.</p> <p>However, the flow into Kilbarry Bog pNHA will not be increased or decreased, as a result of the proposed development.</p> <p>I note that on one of the banks of the Kilbarry Eco Park drainage ditch a small stand of Japanese knotweed (<i>Fallopia Japonica</i>) is present. There is also one plant in the reed swamp area on the eastern boundary of the site.</p>	No

			However, given the distance from the pNHA boundary (and the SAC boundary), and the absence of a direct hydrological connection, no pathway for spread of this species has been identified. Therefore, no impact on the qualifying interests and conservation objectives for European sites from the spread of invasive species is likely to occur.	
Lower River Suir SAC (002137)	https://www.npws.ie/protected-sites/sac/002137	3km	There is a potential hydrological connection between the subject site and this SAC via proximity, surface water run-off, surface water and foul water discharge.	Yes
Tramore Back strand SPA (004027)	Tramore Back Strand SPA National Parks & Wildlife Service	6.65km	No hydrological connectivity and sufficient geographical separation, so no potential pathway for impacts.	No
Tramore Dunes and Back strand SAC (000671)	Tramore Dunes and Backstrand SAC National Parks & Wildlife Service	7.11km	No hydrological connectivity and sufficient geographical separation, so no potential pathway for impacts.	No

<p>River Barrow and River Nore SAC (002162)</p>	<p>River Barrow and River Nore SAC National Parks & Wildlife Service</p>	<p>9.24km</p>	<p>Although the River Barrow and River Nore SAC is hydrologically connected to the Lower River Suir SAC, the connecting watercourses are at a distance of 12.64km and as a result there are unlikely to be any significant impacts downstream, given the distance travelled, the size and volume of the River Suir at the point where it becomes the River Barrow and River Nore SAC.</p> <p>Threrore, no avenue for direct effects or indirect effects.</p>	<p>No</p>
<p>Mid-Waterford Coast SPA (004193)</p>	<p>Mid-Waterford Coast SPA National Parks & Wildlife Service</p>	<p>10.88km</p>	<p>No hydrological connectivity and sufficient geographical separation, so no potential for impacts.</p>	<p>No</p>
<p>Seas of Wexford SPA (004237)</p>	<p>Seas off Wexford SPA National Parks & Wildlife Service</p>	<p>13.58km</p>	<p>No hydrological connectivity and sufficient geographical separation, so no potential pathway for impacts.</p>	<p>No</p>

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Suir SAC (Site code: 002137) Qualifying Interest: <ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • 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] • <i>Taxus baccata</i> woods of the British Isles [91J0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Austroptamobius pallipes</i> (White-clawed Crayfish) [1092] 	Direct: None Indirect: <ul style="list-style-type: none"> • impacts on water quality as a result of surface water runoff during construction and operational phases • Impacts on water quality from Wastewater discharge • disturbance to ex situ foraging habitat, • spread of invasive species) 	<u>Water Quality:</u> There are two springs that originate within the site and flow into the reed swamp area to the northeast of the site. To the north of the site are a stream and drainage ditches that flow directly into St John's River which connects with the Lower River Suir. There is a risk of anticipated emissions from particulate matter/hydrocarbons/pollution into St John's River that flows to the north of the site connected by a stream, springs and drainage ditches. St John's River flows into the River Suir (Lower River Suir SAC). Therefore, the proposed development has the potential to impact on water quality within SAC as well as qualifying species which use aquatic habitats. Possibility of significant effects cannot be ruled out without further analysis and assessment The addition of the effluent discharge from the proposed housing development to the Waterford City WWTP is well within its design capacity and will not comprise the operational capability of the WWTP to

<ul style="list-style-type: none"> • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Alosa fallax fallax (Twaiite Shad) [1103] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 		<p>treat effluent to comply with emission limit values. Therefore, the impacts from the proposed development will be negligible given the current operating conditions at the WWTP. The current discharge does not have an observable negative impact on the Water Framework Directive status of surrounding waterbodies/watercourses. No likely significant effects on water quality within the SAC have been identified from the proposed wastewater discharges.</p> <p>There are a number of building developments in the vicinity of the site that also connect with the St John's River. These are detailed in Table 3 of the Stage 1 Screening for Appropriate Assessment Report.</p> <p>In terms of cumulative (in-combination) impacts on the Lower River Suir and QI species in St John's River is the water quality of the latter, which according to the Annual Ecological Monitoring Programme (Ecosystem Services, 2022), is under threat from diffuse urban pollution from roads and leachate from the Eco Park which was a former municipal landfill site.</p> <p><u>Natural Drainage:</u></p> <p>Potential impact to natural drainage, which is now reduced due to the creation of man-made surfaces in the form of dwellings, other buildings and associated impermeable footpaths and roadways as part of the development</p>
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		<p><u>Disturbance:</u></p> <p>Otter have been recorded in St John's River which runs through the site, however, there was not any evidence of Otter <i>Lutra lutra</i> at the time of the survey.</p> <p>The following aquatic habitats have been identified within the proposed development and therefore potential for disturbance impacts on aquatic QI species i.e., Sea Lamprey, River Lamprey, Twait Shad, and Atlantic Salmon, may occur.</p> <p>Given the location of the site within an existing sub-urban setting, no disturbance impacts to SCI birds have been identified.</p> <p>No Badger setts were present.</p> <p><u>Spread of Invasive Species:</u></p> <p>On one of the banks of the Kilbarry Eco Park drainage ditch a small stand of Japanese knotweed <i>Fallopia Japonica</i> is present. There is also one plant in the reed swamp area on the eastern boundary of the site.</p> <p>However, given the distance from the SAC boundary and the absence of a direct hydrological connection, no pathway for spread of this species to the SAC has been identified. Therefore, no impact on the qualifying interests and conservation objectives for European sites from the spread of invasive species is likely to occur.</p>
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Likelihood of significant effects from proposed development (alone): Yes
If No, is there likelihood of significant effects occurring in combination with other plans or projects?
Step 4 Conclude if the proposed development could result in likely significant effects on a European site/Nationally Designated Site
<p>It is not possible to exclude the possibility that proposed development alone would result in significant effects on Lower River Suir SAC (Site Code: 002137) from effects associated with water quality degradation during construction and operation.</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>It has been concluded beyond reasonable scientific doubt, based on objective information, and considering the conservation objectives of the relevant European site and Nationally Designated site, that significant impacts from the project, individually or in combination with other plans and projects, on the following Natura 2000 site can be excluded: River Suir SAC (Site Code: 002137).</p>

Appendix B - Appropriate Assessment

<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>			
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed LRD in view of the relevant conservation objectives of the Lower River Suir SAC (Site Code: 002137) based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"> • Part 1 - Stage 1 Screening for Appropriate Assessment prepared by Russell and Environmental Sustainability Services Limited. • Part 2 - Natura Impact Statement (NIS) prepared by Russell and Environmental Sustainability Services Limited. • National Parks and Wildlife Service Conservation Objectives Supporting Document (July 2012) and related publications. • Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009). • Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019). <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>			
<p>Submissions/observations</p> <p>I note that there were no issues raised by submissions in relation to AA.</p>			
<p>Lower River Suir SAC (Site Code: 002137)</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <p style="margin-left: 40px;">(i) Water quality degradation (construction and operation)</p> <p style="margin-left: 40px;">(ii) Disturbance of species</p>			
<p>Qualifying Interest features likely to be affected</p>	<p>Conservation Objectives: Maintain or Restore favourable conservation condition</p>	<p>Potential adverse effects</p>	<p>Mitigation measures (summary) NIS SECTION 4.4</p>

	<p>Targets and attributes (summary- inserted)</p>		<p>Implementation of CEMP</p> <p>Pollution control measures</p> <p>Monitoring of water quality parameters</p> <p>A range of SuDS and surface water control measures have been included at the design stage of this project to ensure there will be no impact on local water quality or runoff rates during the operational phase of the proposed development.</p>
<p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (1330)</p>	<p>Restore</p> <p>Area stable or increasing.</p> <p>No decline or change in habitat distribution, subject to natural processes.</p> <p>Maintain natural circulation of sediments and organic matter, without any physical obstructions.</p> <p>Maintain creek and pan structure, subject to natural processes, including erosion and succession.</p> <p>Maintain the range of coastal habitats.</p> <p>Maintain natural tidal regime.</p> <p>Maintain structural variation within sward.</p> <p>Maintain more than 90% of the area outside of creeks vegetated.</p>	<p>This habitat is located at a significant distance from the site and therefore geographical separation, so no potential pathway for impacts.</p>	<p>N/A</p>

	<p>Maintain range of sub-communities with typical species.</p> <p>No significant expansion of common cordgrass.</p>		
Mediterranean Salt Meadows	<p>Restore</p> <p>Area stable or increasing.</p> <p>No decline or change in habitat distribution, subject to natural processes.</p> <p>Physical Structure: Sediments: Maintain natural circulation of sediments and organic matter, without any physical obstructions.</p> <p>Physical Structure: creeks and pans: Maintain creek and pan structure, subject to natural processes, including erosion and succession.</p> <p>Physical structure: flooding regime: Maintain natural tidal regime.</p> <p>Vegetation Structure: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.</p> <p>Vegetation Structure: Maintain structural variation in the sward.</p> <p>Vegetation Structure: Maintain more than 90% of the area outside of creeks vegetated.</p>	<p>Mediterranean Salt Meadows (MSM) habitat was not recorded in Lower River Suir SAC.</p>	N/A

	<p>Vegetation Composition: Maintain range of subcommunities with characteristic species listed in McCorry and Ryle (2009).</p> <p>Vegetation Composition: No significant expansion of common cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1% where it is already known to occur.</p>		
<p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation</p>	<p>Maintain</p> <p>Habitat area stable or increasing.</p> <p>No decline subject to natural processes.</p> <p>Maintain appropriate hydrological regimes.</p> <p>Maintain natural tidal regime.</p> <p>Maintain appropriate substratum particle size range, quantity and quality.</p> <p>Maintain appropriate water quality to support the natural structure and functioning of the habitat.</p> <p>Maintain typical species in good condition, including appropriate distribution and abundance.</p> <p>Maintain floodplain connectivity necessary to support the typical species and vegetation</p>	<p>Upriver, therefore geographical separation, so no potential pathway for impacts.</p>	<p>N/A</p>

	<p>composition of the habitat.</p> <p>Maintain marginal fringing habitats that support the typical species and vegetation composition of the habitat.</p>		
<p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430)</p>	<p>Maintain</p> <p>Habitat area stable or increasing.</p> <p>No decline, subject to natural processes.</p> <p>Maintain appropriate hydrological regime.</p> <p>At least three positive indicator species present.</p> <p>Cover of positive indicator species at least 40%</p> <p>Cover of non-native species not more than 1%</p> <p>Cover of negative indicator species not more than 33%</p> <p>Cover of scrub, bracken (<i>Pteridium aquilinum</i>) and heath not more than 5%</p> <p>Herb height at least 50cm</p> <p>Cover of bare soil not more than 10%</p> <p>Area of the habitat showing signs of serious grazing or disturbance less than 20m²</p>	<p>I note the presence of non-native species i.e. Japanese knotweed (<i>Fallopia japonica</i>) to the east of the site. The cover of Japanese knotweed (<i>Fallopia japonica</i>) is not more than 1% and it is a target to maintain this. The spread of Japanese knotweed (<i>Fallopia japonica</i>) at this site has not been identified as a problem on the NPWS website.</p> <p>The screening report considers that the site is at a significant distance from the species with a geographical separation, therefore no potential pathway for impacts.</p>	N/A
<p>Old sessile oak woods with Ilex and</p>	<p>Restore</p>	<p>Significant distance from the site and therefore geographical</p>	N/A

<p>Blechnum in the British Isles (91A0)</p>	<p>Habitat area stable or increasing.</p> <p>No decline.</p> <p>Woodland structure, cover, height, community, diversity and extent maintained.</p> <p>Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy.</p> <p>At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter</p> <p>No decline in woodland structure and native tree cover not less than 95%</p> <p>A variety of typical native species present, depending on woodland type including Oak and Birch.</p> <p>Negative indicator species, particularly non-native invasive species, absent or under control.</p>	<p>separation, so no potential pathway for impacts.</p>	
<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	<p>Restore</p> <p>Habitat Area: Area stable or increasing.</p> <p>Habitat distribution: No decline.</p> <p>Size: Area stable or increasing. Where topographically possible, "large" woods at least 25ha</p>	<p>I note the presence of non-native species i.e. Japanese knotweed (<i>Fallopia japonica</i>) to the east of the site. the cover of Japanese knotweed (<i>Fallopia japonica</i>) is not more than 1% and it is a target to maintain this. The spread of Japanese knotweed</p>	<p>N/A</p>

	<p>in size and “small” woods at least 3ha in size.</p> <p>Cover and Height: Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semimature trees and shrubs; and well-developed herb layer.</p> <p>Community diversity and extent: Maintain diversity and extent of community type.</p> <p>Woodland structure: natural regeneration: Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy.</p> <p>Hydrological Regime: Appropriate hydrological regime necessary for maintenance of alluvial vegetation.</p> <p>Woodland structure: dead wood: At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter (greater than 20cm diameter in the case of alder (<i>Alnus glutinosa</i>)).</p> <p>Woodland structure – veteran trees and distinctiveness: No decline.</p> <p>Vegetation – Tree Cover: No decline. Native tree cover not less than 95%</p> <p>Vegetation – Typical Species: A variety of typical native species present,</p>	<p>(<i>Fallopia japonica</i>) at this site has not been identified as a problem on the NPWS website.</p> <p>The screening report considers that the site is at a significant distance from the species with a geographical separation, therefore no potential pathway for impacts.</p>	
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	<p>depending on woodland type, including alder (<i>Alnus glutinosa</i>), willows (<i>Salix</i> spp.), oak (<i>Quercus</i> spp.), ash (<i>Fraxinus excelsior</i>) and birch (<i>Betula pubescens</i>).</p> <p>Vegetation – Indicator Species: Negative indicator species, particularly non-native invasive species, absent or under control.</p>		
<p><i>Taxus baccata</i> woods of the British Isles (91J0)</p>	<p>Restore</p> <p>Habitat Area: Area stable or increasing.</p> <p>Habitat distribution: No decline.</p> <p>Size: Area stable or increasing.</p> <p>Cover and Height: Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semimature trees and shrubs; and herb and bryophyte layer.</p> <p>Community diversity and extent: Maintain diversity and extent of community type.</p> <p>Woodland structure: natural regeneration: Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy.</p> <p>Woodland structure: dead wood: At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should</p>	<p>Significant distance from the site and therefore geographical separation, so no potential pathway for impacts.</p>	<p>N/A</p>

	<p>include stems greater than 40cm diameter.</p> <p>Woodland structure – veteran trees and distinctiveness: No decline.</p> <p>Vegetation – Tree Cover: No decline. Native tree cover not less than 95%</p> <p>Vegetation – Typical Species: A variety of typical native species present, including yew (<i>Taxus baccata</i>) and ash (<i>Fraxinus excelsior</i>).</p> <p>Vegetation – Indicator Species: Negative indicator species, particularly non-native invasive species, absent or under control.</p>		
<p>Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> (1029)</p>	<p>Restore</p> <p>Distribution: Restore distribution to 10.4km.</p> <p>Population size: Restore population to at least 10,000 adult mussels.</p> <p>Population structure: Restore to at least 20% of each population no more than 65mm in length; and at least 5% of each population no more than 30mm in length.</p> <p>Population structure – adult mortality: No more than 5% decline from previous number of live adults counted; dead shells less than 1% of the adult population and scattered in distribution.</p>	<p>Upriver, therefore geographical separation, so no potential pathway for impacts</p>	<p>N/A</p>

	<p>Habitat extent: Restore suitable habitat in more than 8.8km in the Clodiagh system and any additional stretches necessary for salmonid spawning.</p> <p>Habitat condition: Restore condition of suitable habitat.</p> <p>Water Quality: Restore water quality - macroinvertebrates: EQR greater than 0.90 (Q4-5 or Q5); phytobenthos: EQR greater than 0.93.</p> <p>Restore substratum quality - filamentous algae: absent or trace (less than 5%); macrophytes: absent or trace (less than 5%).</p> <p>Restore substratum quality - stable cobble and gravel substrate with very little fine material; no artificially elevated levels of fine sediment.</p> <p>Restore to no more than 20% decline from water column to 5cm depth in substrate.</p> <p>Maintain appropriate hydrological regime.</p> <p>Host: Maintain sufficient juvenile salmonids to host glochidial larvae.</p> <p>Habitat: Restore the area and condition of fringing habitats necessary to support the population.</p>		
White-clawed Crayfish	<p>Maintain</p> <p>Distribution: No reduction from baseline.</p>	Upriver, therefore geographical separation, so no	N/A

<p>Austropotamobius pallipes (1092)</p>	<p>Population: Juveniles and/or females with eggs in all occupied tributaries.</p> <p>Negative indicator species: No alien crayfish species.</p> <p>No instances of disease.</p> <p>Water Quality: At least Q3-4 at all sites sampled by EPA.</p> <p>Habitat Quality: No reduction in habitat heterogeneity or habitat quality.</p>	<p>potential pathway for impacts</p>	
<p>Sea Lamprey Petromyzon marinus (1095)</p>	<p>Restore</p> <p>Distribution: Greater than 75% of main stem length of rivers accessible from estuary.</p> <p>Population: At least three age/size groups present.</p> <p>Juvenile density at least 1/m²</p> <p>No decline in extent and distribution of spawning beds.</p> <p>Availability: More than 50% of sample sites positive</p>	<p>St. John's River is a suitable habitat for this species and thus could be affected by impacts on water quality. It is noted no disturbance effects or loss of habitat have been identified for these species.</p> <p>Potential impacts on this species could occur due to surface water impacts during the construction and operational phase.</p>	<p>As above</p>
<p>Brook Lamprey Lampetra planeri (1096)</p>	<p>Restore</p> <p>Distribution: Access to all water courses down to first order streams.</p> <p>Population: At least three age/size groups of river/brook lamprey present.</p> <p>Mean catchment juvenile density of brook/river lamprey at least 2/m².</p>	<p>Only found in freshwater. Located upriver and significant distance from the site and therefore geographical separation, so no potential pathway for impacts.</p>	<p>N/A</p>

	<p>No decline in extent and distribution of spawning beds.</p> <p>Availability: More than 50% of sample sites positive.</p>		
<p>River Lamprey (<i>Lampetra fluviatilis</i>) (1099)</p>	<p>Restore</p> <p>Distribution: Access to all water courses down to first order streams.</p> <p>Population: At least three age/size groups of river/brook lamprey present.</p> <p>Mean catchment juvenile density of brook/river lamprey at least 2/m².</p> <p>No decline in extent and distribution of spawning beds.</p> <p>Availability: More than 50% of sample sites positive.</p>	<p>Freshwater (i.e. St. John's River) is a suitable habitat for this species and thus could be affected by impacts on water quality. It is noted no disturbance effects or loss of habitat have been identified for these species.</p> <p>Potential impacts on this species could occur due to surface water impacts during the construction and operational phase.</p>	<p>As above</p>
<p><i>Alosa fallax fallax</i> (Twaite Shad) (1103)</p>	<p>Restore</p> <p>Distribution: Greater than 75% of main stem length of rivers accessible from estuary.</p> <p>Population structure: age classes: More than one age class present.</p> <p>No decline in extent and distribution of spawning habitats.</p> <p>Water quality: oxygen levels: No lower than 5mg/l.</p> <p>Maintain stable gravel substrate with very little fine material, free of filamentous algal (macroalgae) growth</p>	<p>St. John's River is a suitable habitat for this species and thus could be affected by impacts on water quality. It is noted no disturbance effects or loss of habitat have been identified for these species.</p> <p>Potential impacts on this species could occur due to surface water impacts during the construction and operational phase.</p>	<p>As above</p>

	and macrophyte (rooted higher plants) growth.		
Salmon <i>Salmo salar</i> (1106)	<p>Restore</p> <p>100% of river channels down to second order accessible from estuary.</p> <p>Conservation limit (CL) for each system consistently exceeded</p> <p>Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 minutes sampling</p> <p>Out-migrating smolt abundance: No decline in number.</p> <p>No decline in number and distribution of spawning redds due to anthropogenic causes</p> <p>Water Quality: At least Q4 at all sites sampled by EPA</p>	<p>These species can occur within freshwater (.e. recorded in St. John's River) and thus could be affected by impacts on water quality. It is noted no disturbance effects or loss of habitat have been identified for these species.</p> <p>Potential impacts on this species could occur due to surface water impacts during the construction and operational phase</p>	As above
<i>Lutra lutra</i> (Otter) (1355)	<p>Maintain.</p> <p>No significant decline or increase in barriers to connectivity.</p>	<p>These species can occur within freshwater (i.e. recorded in St. John's River) and thus could be affected by impacts on water quality. Impacts on prey availability could impact on Otter. It is noted no disturbance effects or loss of habitat have been identified for these species.</p> <p>Potential impacts on this species could occur due to surface water impacts during the</p>	As above.

		construction and operational phase.	
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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 view of conservation objectives

Impacts on surface water quality during construction/ operation:

During construction:

- Due to the elevations of the site, there is a potential likelihood of runoff into St John’s River.
- There are potential sources of pollution from anticipated emissions from particulate matter/hydrocarbons/pollution.
- The presence of fuels, lubricants and other chemicals from construction activities also have the potential to temporarily affect the surface/ground water regime of the area if not managed properly.
- These sources of pollution have the potential to impacts on water quality within the Lower River Suir SAC.

During operation:

- Potential impact to natural drainage, which is now reduced due to the creation of man-made surfaces in the form of dwellings, other buildings and associated impermeable footpaths and roadways as part of the development.

In the absence of appropriate design and mitigation, high levels of silt in surface water run-off from construction works, could theoretically impact the water quality of the River Suir or St John’s River and thereby impact on fish species. In addition, there are direct pathways identified of impact from the proposed development that would impact on the Otter population of St John’s River and the Lower River Suir SAC on the food sources for this species, especially as they were recorded in St John’s River itself and as thus the water quality for both watercourses must be protected to not affect the favourable conservation status.

Mitigation measures and conditions

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

Measures include:

- A silt trap around the site for the duration of the construction phase will be erected with the use of Wooden stakes, woven geotextile fabric and sandbags before the development works take place.

- Removal of any construction material shall take place each day with no accumulation of material to take place on the site.
- During the construction phase good construction practices such as dust suppression of on-site access roads and regular plant maintenance are required.
- All plant and machinery will be serviced before being mobilised to site. No plant maintenance will be completed on site; any broken-down plant will be removed from site to be fixed where applicable. If this isn't possible then a bund/container shall be used as part of the development works.
- There will be no fuel stored on site. All refuelling will take place off-site
- Procedures and contingency plans will be set up to deal with emergency accidents or spills. An emergency spill kit with oil boom, absorbers etc. will be kept on-site for use in the event of an accidental spill. If there is heavy rainfall then no works shall take place (>20mm).
- Overnight parking of machinery should be within the bunded construction compound area.
- No soil shall be imported from outside of the site.
- All waste generated on site must be removed on a daily basis and recycled where appropriate.
- The proposed constructed wetlands will intercept and delay the runoff, thus slowing it down to facilitate the settling out of any pollutants.
- The three constructed wetlands will be kept open allowing for evaporation of surface water and infiltration through the ground. Within the constructed wetlands the outflows will be choked with hydrocarbon interceptors.
- Permeable paving be installed in all parking bays and driveways.
- The road gulleys will be linked to the tree pits which will act as a temporary water storage with some percolation.
- The tree pits will be planted with native /pollinator friendly species that will serve not only to contain and act as soakage for any rain/storm water but will enhance the biodiversity in the area.
- Two springs on the site will be discharged into the reed swamp habitat on the site as will the choked flow of the constructed wetlands to prevent this habitat from drying out.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species / habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

(ii) Disturbance of mobile species

Annex species have been identified outside of the Lower River Suir SAC within St John's River such as Kingfisher *Alcedo atthis* (Annex I) Otter *Lutra lutra* (Annex II and IV) and Atlantic salmon parr *Salmo salar* (Annex II, IV) (Ecosystem Services, 2022). In addition, Kingfisher *Alcedo atthis* are classed as Amber, with reference to the Birds of Conservation Concern in Ireland (BoCCI) (Colhoun & Cummins, 2013) and Salmon *Salmo salar* are classed as a vulnerable species (Nelson et. al., 2019).

The biggest risks to Kingfisher *Alcedo atthis* is to the habitat and nesting sites as well as the water quality of St John's River, which provides invertebrates, insects and fish as sources of food. Therefore, mitigation measures will need to be implemented to ensure the current population is not affected.

There were no buildings on the site and any mature trees, suitable as bat roosts were outside of the redline boundary, therefore it was not deemed necessary to carry out a bat survey.

There was evidence of Rabbits *Oryctolagus cuniculus* on the site, in particular in the boundary hedgerow/treelines.

No Badger setts were present.

No evidence of Otter *Lutra lutra* at the time of the survey.

As there was no permanent standing water within the site itself, the presence of amphibians are unlikely. However, this taxon may be present in the drainage ditches and watercourses adjacent to Kilbarry Eco Park.

Within the overall site the species of birds present, either heard or seen are: Blackbird *Turdus merula*, Bullfinch *Pyrrhula pyrrhula*, Blue tit *Cyanistes caeruleus*, Great tit *Parus major*, House sparrow *Passer domesticus*, Magpie *Pica pica*, Pied wagtail *Motacilla alba yarrellii*, Robin *Erithacus rubecula*, Rook *Corvus frugilegus*, Song thrush *Turdus philomelos* and Willow warbler *Phylloscopus trochilus*.

Mitigation measures and conditions

In addition to the above measures I also note the following:

- Should any bats be found on the site then works should cease and the ecologist should be contacted immediately. Work will only resume on the advice of the ecologist.
- Time of site clearance/vegetation removal between 1st September and 1st March. Should any nests be encountered during the development work, then work will be ceased immediately, and the site inspected by an ecologist.
- All works to be carried out during daylight hours.
- The ECIA which accompanies the planning application also includes measures relating to bats on site, i.e. bat friendly lighting, etc.

I am satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to maintain the favourable conservation condition and that the proposed

development will not prevent or delay the attainment of the conservation objective to maintain favourable conservation condition.

Overall, I am satisfied that the mitigation measures set out in Section 4.4 of the NIS are sufficient to ensure that any effects on the conservation objectives of Lower River Suir SAC will be avoided during the construction and operational phases of the proposed development such that there will be no risk of adverse effects on the integrity of these European sites.

In-combination effects

In combination effects are examined within the submitted NIS report (Section 5). The proposed development was considered in combination with other developments within the vicinity of the site, and the Waterford County Development Plan 2022- 2028. I consider the assessment presented in the screening report (Section 5 – pages 26 - 27 of NIS) adequate for the purpose of the assessment.

It is concluded that *“The potential cumulative/in-combination impacts of the proposed development were considered following research of known and likely plans and projects in the area and on the basis that the proposed development has been designed to avoid significant adverse impacts on the integrity of the European Site. It is concluded that there will be no significant cumulative/in-combination impact on the ecology of the area as a result of the proposed development”*.

I am satisfied that there would be no potential in combination effects as a result of the proposed development.

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 the proposed development can be excluded for the Lower River Suir SAC. 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 proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

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. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix C Form 1- EIA Pre-Screening

An Bord Pleanála Case Reference	ACP-323907-25		
Proposed Development Summary	10-Year Planning Permission for a Large Scale Residential Development (LRD) of 243 no. dwellings and 1 no. childcare facility and all ancillary associated site works.		
Development Address	South of Lacken Wood Residential Estate and east of Lacken Road, in the townland of Kilbarry at Lacken Road, Co. 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	10(b)(i) Construction of more than 500 dwelling units.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

		The proposed development does not equal or exceed the 500 unit threshold.	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) construction of more than 500 dwelling units. The development is for 243 units.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		
Yes	X	Ecological Impact Statement Submitted EIAR required – Form 3

Inspector: _____

Date: 11th March 2026

Appendix D – Form 3 – EIA Screening Determination

A. CASE DETAILS			
An Coimisiún Pleanála Case Reference	ACP-323907-25		
Development Summary	The construction 10-Year Planning Permission for a Large Scale Residential Development (LRD) of 243 no. dwellings and 1 no. childcare facility and all ancillary associated site works.		
	Yes / No / N/A	Comment (if relevant)	
1. Was a Screening Determination carried out by the PA?	Yes		
2. Has Schedule 7A information been submitted?	Yes	A Screening Report for EIAR has been submitted. This has also been noted in the planner's assessment.	
3. Has an AA screening report or NIS been submitted?	Yes	Stage 1 (AA) and NIS have been submitted.	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	N/A		
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) <small>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</small> Mitigation measures –Where relevant specify features or measures proposed by	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain

		the applicant to avoid or prevent a significant effect.	
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposal comprises a residential scheme with creche, while the lands to the east and south comprise agricultural lands, residential dwellings adjoin the site to the north, south, southeast and east of the site. The site is also located on the outskirts of Waterford City.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development will result in site excavations and the construction of a new development within the existing greenfield site, which is subject to the zoning objective 'R1' 'New Residential', " <i>to provide for new residential in tandem with the provision of the necessary social and physical infrastructure</i> ", as per the Waterford City and County Development Plan 2022 – 2028, that applies to these lands. Some works have been identified outside of the R1 zoned lands, on open space and recreation and high amenity zoned lands, all of which will result in physical changes in the locality.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical for the type of development proposed. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance	No	Some potentially contaminating construction materials. Such construction	No

which would be harmful to human health or the environment?		impacts would be local and temporary in nature and with the implementation of standard measures outlined in Construction Management Plan would satisfactorily mitigate the potential impacts.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in Construction Management Plan would satisfactorily mitigate the potential impacts. Operational waste would be managed. Other significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risks are identified.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a Construction Management Plan.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature	No

		and the application of standard measures within a Construction Management Plan would satisfactorily address potential risks on human health.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No risk from the proposed development and the site is not located in vicinity of any major accident sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The population in the area will increase and employment would be provided in the creche element of the proposed development. It is anticipated that the development will positively affect the social environment.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No significant risks are identified.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> • European site (SAC/ SPA/ pSAC/ pSPA) • NHA/ pNHA • Designated Nature Reserve • Designated refuge for flora or fauna • Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>No National or European sites located on or adjacent to the site. The closest Natura 2000 site is Lower River Suir SAC, which is 3km from the site.</p> <p>Kilbarry Bog pNHA, which is 193m (approximately) to the east of the site.</p> <p>An Appropriate Assessment Screening (Stage 1) and a Natura Impact Assessment were provided in support of the application.</p> <p>Having regard to the nature, scale and location of the proposed works and possible impacts arising from construction works, the qualifying interests and conservation objectives of the</p>	No

		European sites and the potential for in-combination effects, the possibility of any significant impacts on any of the identified European sites as a result of the proposed development, either in itself or in combination with other plans or projects, can be excluded.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No European sites located on or adjacent to the site.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	A detailed and fieldwork-based Archaeological Impact Assessment Report should be carried out. The report shall also include an archaeological impact statement and recommended mitigation strategy. A prior to the commencement of development condition can be included to ensure sustainable development and the protection of the archaeological heritage.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No significant risks are identified.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The development will implement SUDS measures to control surface water run-off and reduce surface run off from that of the existing condition on site. The site is not at risk of flooding, as per the Flood Risk Assessment submitted with the application, nor will it result in flooding elsewhere as the proposals reduce the	No

		overall discharge from the site and increase the application of SUDs measures on site as part of the proposed works. Potential impacts arising from the discharge of surface waters to receiving waters are not likely or anticipated. I reference the WFD Impact Assessment Stage 1 Screening report in this regard.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No significant risks are identified.	No
2.7 Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	Yes	<p>The site is located to the south and southeast of an existing residential development. The site currently has access via an existing laneway, which is accessed off the Lacken Road, which is a local road. A single entrance is proposed to from the adjoining residential development to the north to serve the proposed development.</p> <p>Adequate car parking is proposed to serve the development. I also note that the site is within walking distance to the centre of Waterford City.</p> <p>A Traffic and Transport Impact Assessment has been submitted.</p> <p>No significant contribution to traffic congestion is anticipated from the subject development.</p> <p>Several conditions are recommended by the Planning Authority, which are reasonable.</p>	No

		Notwithstanding, construction traffic may impact on the area, however this will be short term and will be managed via a Construction Management Plan.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	No impact is anticipated in respect to air pollution on the nearest adjoining sensitive land uses.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
EG - EIAR <u>not</u> Required			
Having regard to: -			
1. The criteria set out in Schedule 7, in particular (a) the nature and scale of the proposed development, within the existing site context (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone			

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. The results of other relevant assessments of the effects on the environment submitted by the applicant, i.e. An Appropriate Assessment Screening (Stage 1) and an Ecological Impact Assessment Report were provided in support of the application.
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date 11th March 2026

Approved (ADP) _____

Date 11th March 2026

Appendix E: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

An Coimisiún Pleanála ref. no.	ACP-323907-25	Townland, address	South of Lacken Wood Residential Estate and east of Lacken Road, in the townland of Kilbarry at Lacken Road, Co. Waterford
Description of project		10-Year Planning Permission for a Large Scale Residential Development (LRD) of 243 no. dwellings and 1 no. childcare facility and all ancillary associated site works	
Brief site description, relevant to WFD Screening,		<p>Site is cleared of all structures and is greenfield in nature and presently in agricultural use to the southwest of Waterford City. The site is elevated and the site contours slope West to East toward the Tramore Road. The site is located to the south of the Lacken Wood housing development and to the east of Kilbarry Nature Park and bounded by agricultural land to the east and south. There are residential dwellings to the east and southeast of the site.</p> <p>There are drainage channels or watercourses within the boundary of the site in particular to the northern portion of the site. There is no flowing water within and adjacent to the site and therefore there is no hydrological connection with the Lower River Suir SAC.</p> <p>An assessment of flood risk is included in 'Planning Drainage Report' submitted with the application. The FRA references the flood zones and the location of 2 no. existing springs on site which are located outside of the building footprint, and it is stated that any flows will be</p>	

	<p>maintained into the wetland via 2 no. of filter drains under the cycle paths towards the wet woodland / reed area.</p>
Proposed surface water details	<p>Surface water runoff from the development will discharge to 3 no. of constructed wetlands which will ultimately discharge to Kilbarry Bog. Surface water flow from the wetlands will be discharged at a reduced rate and it is stated that the surface water network is designed to deal with 1:100 year storm event.</p> <p>A Surface Water Management Statement prepared by 'The McKenna Pearce Practice, Consulting Structural + Civil Engineers' has been provided.</p> <p>The proposal provides for permeable paving to driveways and hard standing areas around buildings but all footpaths, roads and car parking and cycleways in the public realm will be an impermeable construction.</p>
Proposed water supply source & available capacity	<p>Uisce Eireann mains water connection.</p> <p>Uisce Eireann has provided Confirmation of Feasibility.</p> <p>Public Water Supply and which has a green status – 'Capacity Available' rating.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>Uisce Eireann Wastewater connection.</p> <p>Uisce Eireann has provided Confirmation of Feasibility.</p> <p>Public foul drainage system and which has a Green rating – 'Spare Capacity Available'.</p>
Others?	N/A

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)
Transitional waterbody	0m - Traversing the site	ST JOHN'S_020 (IE_SE_16S030600)	Poor	At Risk	Urban waste water	Surface water run off and wastewater
Groundwater body	Underlying site	Waste Facility (W0018-01) (Site Code: IE_SE_G_175)	Good	At Risk	Surface water drainage in storm events	Drainage to groundwater

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 Stage 2.
1.	Site clearance & Construction	ST JOHN'S_020 (IE_SE_16S 030600)	None	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site construction	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
2.	Site clearance & Construction	Dungarvan Waste Facility (W0018-01) (Site Code:	Drainage through soil / bedrock	Reduction in groundwater quality from pollution of surface water run-off	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.

		IE_SE_G_17 5)					
OPERATIONAL PHASE							
1.	Surface Water Run-off	ST JOHN'S_020 (IE_SE_16S 030600)	None	None	Several SuDS features incorporated into proposal	No	Screen out at this stage.
2.	Surface Water Run-off	Dungarvan Waste Facility (W0018-01) (Site Code: IE_SE_G_17 5)	Drainage through soil/ bedrock	Reduction in groundwater quality	SUDS and greenfield discharge rates	No	Screened out at this stage
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A