



An
Coimisiún
Pleanála

Inspector's Report

ACP-324247-26

EIA Direction

Development	Restoration of Portlaw Courthouse, provision of Market Square, new vehicular urban link road and rebalancing of current vehicular priority to Malcomson Square.
Question	Whether there is or not a requirement for EIA for the proposed development.
Location	Portlaw, Co. Waterford
Planning Authority	Waterford County Council
Requester	Frank Conway
Case Type	EIA Direction
Date of Site Inspection	13 th July 2026
Planning Inspector	Adrian Ormsby

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1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations, 2001 (as amended) a request for an Environmental Impact Assessment Screening Determination was made to An Coimisiún Pleanála to determine whether or not a proposed development would be likely to give rise to significant effects on the environment and thereby require the preparation of an Environmental Impact Assessment Report (“EIAR”).
- 1.2. The proposed development comprises:
 - Restoration of the Portlaw Courthouse building (RPS ref: WA750334/NBHS ref: 22803055) to serve as a new community hub
 - Provision of a pedestrian friendly Market Square, reinstating indoor and outdoor public space for use by the community.
 - A new vehicular urban link road connecting Factory Road to Main Street including upgrading of Factory Road public realm.
 - Redesign of Malcomson Square to rebalance the current vehicular priority.
- 1.3. The proposed development is a local authority development and is being applied for under Part XI of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended). It is not a direct planning application to the Commission.
- 1.4. Frank Conway has made an application under the provisions of Article 120(3)(b) requesting An Coimisiún Pleanála (ACP/The Commission) make an Environmental Impact Assessment (EIA) Screening Determination.
- 1.5. Waterford City and County Council (WCCC) is of the opinion that the works do not require an EIAR and have initiated the process set out in Part XI of the Act and Part 8 of the Regulations. This view is evidenced in an EIA Screening Report (EIASR) with regard to Schedule 7 of the Planning and Development Regulations 2001 as amended (PDR’s) submitted to ACP by the Council on the 26th of May 2026. WCCC have also submitted Schedule 7A of the PDR’s information in response to ACP’s letter dated 11th of May 2026 requesting same.

- 1.6. The requester by way of a submission dated 13th of May 2026 considers the proposed development falls within class 10 (b), class 10 (d) and Class 13 as set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

2.0 Site Location and Description

- 2.1. The proposed development is located within the town core of Portlaw Co. Waterford. Waterford County Council in the public notices describe the 19th century Malcomson Square as the historic focal point of the town.
- 2.2. The application site boundary includes much of the public space that makes up the local road network in the town core of Portlaw including parts of Brown St, George St., William St, Main St. Church Road, Factory Road¹ and Malcomson Square (general roundabout area). The application site surrounds but does not include a terrace of approximately 16 existing residential properties and a commercial unit operating as Centra with overhead residential accommodation to the south side of Factory Road and to the south west of Malcomson Square (roundabout).
- 2.3. Much of the site is zoned 'Town Core TC' with an objective to '*Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses*' as per the provisions of the Waterford City and County Development Plan 2022-28. The public roads within the site do not appear to be zoned.
- 2.4. The application site includes an area that I shall describe as a backland area to Factory Road, where the existing Courthouse building is located. This structure appears to be in a derelict condition², with fence style hoarding in situ and an overgrown appearance. This structure is recorded on the Register of Protected Structures as RPS ref: WA750334 'Portlaw Courthouse/School and the NIAH ref no.

¹ The Commission is advised that the submitted drawings suggest Factory Road is to the north of the existing terrace of c. 16 houses but there are references within other documentation on file to the Courthouse building being located on Factory Road.

² See Pages 28-30 of the submitted document titled- "Portlaw Town Centre Regeneration Implementation Plan & Pipeline Projects March 2005" for photographs of structure. The Commission should also note the Schedule 7A information describes the Courthouse as derelict with the total failure and subsequent collapse of the roof leaving the building's interior entirely exposed to the elements.

22803055 as Portlaw Courthouse, Factory Road. It has a rating of Regional and categories of Special Interest as Architectural, Artistic, Historical, Social³.

- 2.5. The area directly east of the Courthouse Building appears to be known as the Clodagh Business Park with an existing Industrial/Manufacturing style building in situ. This building appeared operative at the time of the inspection⁴ and shall hereafter be referred to as the SMF Engineering building.
- 2.6. The River Clodiagh generally flows from west to east in close proximity to the western and southern boundary of the site before discharging into the River Suir c. 2.5km east of the site. The Commission are advised there is a stretch of disused canal between the application site and the River Clodiagh⁵. A narrow section of the application site boundary c. 3m wide extends c. 47m southwards from the main site boundary near the rear of the Courthouse towards this canal⁶.
- 2.7. The application site boundary is located to the east of a privately owned site known as the 'Tannery Site'⁷ of Portlaw. Part of that site appears to be located just south of the Courthouse and within the subject application site i.e. '*Tannery effluent processing filter beds*.' The EIAR Screening Report for the Part 8 development details that the Tannery developed on the former 19th century Cotton Mill and the tanning process and associated activities historically undertaken at that location have left a legacy of waste management and contamination issues. The site was investigated in 2019 and a Detailed Site Risk Assessment and Quantitative Risk Assessment Report was prepared by RPS. It is noted the Tannery site generally to the west of the subject site also appears to have been used for landfill purposes.
- 2.8. The Commission should note the EPA Article 11 Request Report⁸ prepared by RPS in 2023 and titled 'Closed Landfill & Tannery, Portlaw, Co. Waterford' describes the

³ <https://www.buildingsofireland.ie/buildings-search/building/22803055/portlaw-courthouse-factory-road-coolroe-upp-by-clonagam-par-portlaw-co-waterford>

⁴ A google search suggest this business is known as SMF Engineering Limited - <https://www.smfengineering.ie/>

⁵ Refer to the 'Portlaw Town Centre First Plan' document submitted by Waterford County Council p. 6, 15 and elsewhere in the document

⁶ Drawing No ending in 5011, titled 'Proposed Surface Water Drainage Layout Sheet 1' (prepared by 'Design ID' shows that this narrow site boundary extension is to facilitate proposed surface water discharge into the canal. The AA Screening Report submitted refers to the canal and states "The head race of the canal is blocked with vegetation and the canal is no longer fed by River Clodiagh and has very low flow."

⁷ See page 12 Map 3. On the submitted EIASR for location and details of the Tannery site to the west and south of Courthouse building.

⁸ Submitted by the Requester

finding for each area of the Tannery Site on page 16. In particular as regards 'Area 5 the Filter Beds' i.e. within the subject application site the report states- *"The risk of pollution from the filter beds is considered to be low for all receptors"*.

- 2.9. The Screening Report also details that the Courthouse building was last used by Waterford Leathers which operated from 1993 and closed in 2003.

3.0 Proposed Development

- 3.1. The proposed development is generally considered a public realm improvement and public realm extension project, including the redevelopment of an existing but derelict protected structure courthouse building for community use on a site area of c. 2.62 ha. The proposal includes redevelopment and use of adjoining space as a new community hub alongside a pedestrian friendly Market Square, reinstating both indoor and outdoor public space for use by the community.
- 3.2. Drawing Z0-00PL-L-(90)001 '*Existing Structures for Removal*' shows the existing SMF Engineering building and other structures in the area to be removed. Drawing Z0-00PL-L-(90)002 '*Landscape Layout*' shows the space between the Courthouse and the SMF Engineering building will provide for the proposed Market Square with the remainder of space eastwards described in the drawings as for '*Future Development*'.
- 3.3. The Commission are advised the two drawings referred to above show other existing buildings to be removed including one with its southern elevation walls appearing to be along the border with the Lower River Suir SAC (002137). This space is then proposed for '*Future Development*'
- 3.4. To the south of the Courthouse and other development detailed above the application proposes a pedestrian route with '*Meadow Grassland Area*' along much of the southern part of the application site with linkages back to the proposed Market Square, '*future development*' area and towards '*Main Street*'.
- 3.5. The application involves the development of a formalised one way loop style road, 3.5m wide linking Main Street from the eastern side of the site boundary near the Centra, along the proposed new Market Square area adjacent to the court house, around the west end of the terrace of existing houses to the existing two way Factory

Road which will also be redeveloped to provide a 6.5m wide vehicular carriage way, formalised car parking spaces and new pedestrianised routes.

3.6. The proposal involves the removal of the existing Malcomson Square roundabout and its replacement with an intersection facilitating Church Road, Factory Road, Main Street and Brown Street only. William Street will join directly to Main Street with Georges Street no longer providing vehicular access to a redesigned and pedestrianised Malcomson square. The proposal provides for a new system of vehicular priority to the general area.

3.7. The Commission are advised the schedule 7A information submitted on the 26th of May 2006 further describes the proposed development into distinct areas as shown on Figure 1-

- A- The Courthouse
- B- Factory Road (B2) /Courthouse Quarter (B1)
- C- Malcomson Square

A more detailed description of the development is set out within.

3.8. **The Part 8 Application**

3.8.1. The Planning Authority has confirmed that the development was subject to the process set out at Part XI of the Act and Part 8 of the Regulations and that this process had commenced with submissions closing on the 16th of April 2026⁹. It is now pending determination of the of the proposed development.

3.9. **Documents Supporting the Proposed Development**

3.9.1. On the 11th of May 2026 ACP requested the Local Authority to submit to the Commission the information specified in Schedule 7A for the purposes of a screening determination.

3.9.2. The Local Authority responded to the Commission's request on the 26th of May 2026. They submitted the following:

⁹ <https://consult.waterfordcouncil.ie/en/consultation/part-8-development-portlaw-courthouse-quarter>

- A Cover Letter submission dated 26th of May 2026 addressing points and concerns of the Requester submitted on the 27th of March 2026. This submission details that WCCC is seeking Part 8 planning permission in the context of the 6th Rural Regeneration Development Fund (RRDF) Category 1 funding with applications closing on the 28th July. The submission states *“Planning permission is required prior to seeking this funding”*.
- The Information requested under Schedule 7A

3.9.3. The following documents which appear to form part of the Part 8 application were also submitted to the Commission:

- Screening Reports submitted with Branding from Hall Black Douglas and the Paul Hogwarth Company but appear to be prepared by Waterford City and County Council-
 - AA Screening Report prepared by WCCC¹⁰ 19th of November 2025
 - Environmental Impact Assessment (A3 and A4 (unbranded) versions)
- Site Specific Flood Risk Assessment prepared by Design ID Consulting Engineers
- Planning Report and Architectural Heritage Impact Assessment prepared by Hall Back Douglas Conservation Architects and Lead Consultants
- Technical Reports-
 - Portlaw Courthouse Quarter Engineering Assessment Report prepared by Design ID Consulting Engineers dated February 2026
 - Appendix A- Proposed Site Plan
 - Appendix B- Proposed Surface Water Drainage Layout
 - Appendix C- Surface Water Calculations
 - Appendix D- Pre and Post Development Plans

¹⁰ I understand this was prepared by Waterford County Councils Heritage Officer
<https://waterfordcouncil.ie/services/culture-heritage/heritage/>

- Appendix E- Uisce Eireann Confirmation of Feasibility Application dated 11th of February 2024
 - Appendix F- Drainage Details
 - Appendix G- Foul Water Drainage Layout
- Mechanical and Electrical Services Report prepared by Douglas Carroll Consulting Engineers dated 13th of February 2026
- Traffic and Transport Reports prepared by Atkins Réalis dated 25th of February 2026
 - Appendix A- Swept Path Analysis
 - Appendix B- Healthy Streets- Feeling Survey
- Road Safety and Quality Audit prepared by Atkins Réalis dated 11th of February 2026
- Reports prepared by RPS Group for Waterford City and County Council-
 - Risk Assessment Of Closed Landfill & Tannery, Mayfield, Portlaw, Co. Waterford Detailed Site Assessment & Quantitative Risk Assessment Report dated 16 August 2019
 - includes a number of Appendices (A-H)
 - Mayfield Tannery Remediation Options Appraisal dated 10th January 2020
- Portlaw Town Centre Regeneration Implementation Plan & Pipeline Projects March 2005¹¹
- Portlaw Town Centre First Plan
- Portlaw Community Plan 2022
- Report on Portlaw Community Survey 2021
- Portlaw Heritage Conservation Plan 2003
- Letter of Support from the Portlaw Community Enhancement Committee

¹¹ (Binded Book)

- Letter of Consent from Landowner
- The plans, drawings and particulars of the proposed development.

4.0 Planning History

4.1. No recent or relevant planning history has been identified¹²

5.0 Legislation and Policy

5.1. EIA Directive 2014/52/EU

5.1.1. Annex III of EIA Directive 2014/52/EU (the Directive) groups the criteria for determining whether projects listed in Annex II of the Directive should be subject to an EIA which has been transposed into the Planning and Development Regulations, 2001, (as amended) under Schedule 7.

5.2. Planning and Development Act, 2000, as amended

5.2.1. Section 179 of the Act relates to local authority own development. Under subsection (b), where a local authority proposes to carry out a development, it shall comply with this section and any regulations under this section.

5.2.2. Section 179 (6)(d) of the Act shall not apply to proposed development which is for development in respect of which an environmental impact assessment report is required under Section 175 or under any other enactment.

5.3. Planning and Development Regulations, 2001, as amended

5.3.1. Under Article 120 (3)(b) of the Planning and Development Regulations, 2001, as amended, “where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, they may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice referred to in Article 81(2), apply to the Commission for a

¹² The submitted Schedule 7A information in relation to ‘Cumulative Impact’ details that “There are no other significant development proposals by WCCC for the surrounding area and there are no known third-party developments proposed in the planning system”.

screening determination as to whether the development would be likely to have such effects.”

- 5.3.2. Subsection (c) states that an application for screening determination under the above shall state the reasons why the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development falls.
- 5.3.3. Subsection (ca) requires the local authority to submit to the Commission the information specified in Schedule 7A for the purposes of the screening determination. Under subsection (cb) this information shall be accompanied by any other relevant information and assessments on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, and the description of any features of the proposal and measures to avoid or prevent significant adverse effects.
- 5.3.4. Subsection (cc) requires the Commission to carry out an examination of, at least, the nature, size or location of the development and shall make a screening determination. If the determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required. If there would be likely effects, it shall serve notice on the local authority to prepare an EIAR in respect of the proposed development.

Schedule 5

- 5.3.5. Article 93 of the Planning and Development Regulations 2001 (as amended) references the prescribed classes of development referring to Schedule 5 which reflects Annex I and II of the EIA Directive.

Schedule 7

- 5.3.6. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for determining whether a project should be subject to environmental impact assessment. These are as follows:

1. The characteristics of the proposed development.

2. Location of the proposed development.
3. Types and characteristic of potential impacts.

5.4. **Waterford County Development Plan 2022-2028**

The relevant statutory plan is the Waterford County Development Plan, 2022-2028 with the following policies and objectives considered to be of relevance.

5.4.1. **Zoning Objective-**

The site is zoned 'Town Core- TC' with an objective to *'Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.'*

5.4.2. **Built Heritage-**

The Court house is an identified Protected Structure

Much of Portlaw town core is located within an Architectural Conservation Area

Relevant Policy Objectives include-

- BH 01 Record of Protected Structures
- BH 02 Supporting our Built Heritage Assets
- BH 08 Reusing our Heritage Buildings
- BH 10 Building Adaptation
- BH 11 Maintaining and Enhancing Special Character
- BH 12 Settings and Vistas
- BH 13 Vacant and Derelict Structures
- BH 30 Historic Features in the Public Realm

5.5. **Natural Heritage Designations**

The site is not located within any National or European designated sites. The following sites are in closest proximity to the site:

- Lower River Suir SAC (002137)- adjacent to the south and east of site¹³
- Proposed Natural Heritage Areas: Portlaw Woods c. 250 m south west of site
- Proposed Natural Heritage Areas: Lower River Suir (Coolfinn, Portlaw) c. 1.4km east of the site

6.0 Request for Determination

6.1.1. Mr. Frank Conway (the Requester) has submitted a request for a determination by the Commission as to whether EIA would be required for the proposed development on the 27th of March 2026. The following summarises the content of the submission received-

- The development includes groundworks and demolition on or immediately adjacent to the former Irish Leathers/Tannert site which has a documented history of industrial waste disposal including substances potentially toxic to humans and the environment.
- An independent soil and environmental survey is required before works proceed
- Contamination of the River Clodiagh is a serious concern
- A number of allegations including waste disposal and deposit of asbestos etc are detailed
- There is no contamination pathway assessment included in the part 8 application with reference to the River Suir SAC.
- An 'Environmental Concerns Report' survey March 2026 is submitted presenting 'community evidence gathered through a structured survey' in March 2026

6.1.2. On the 29th of April 2026 the Commission wrote to the requester seeking statements setting out-

¹³ See drawing Z0-00-PL-L-(90)001 'Existing Structures for Removal' for proximity to SAC

- The class of development set out in Schedule 5 of the Planning and Development Regulations to which the requester considers the proposed development belongs and
- The reasons why the proposed development would be likely to have significant effects on the environment and the nature of such effects

6.1.3. The Requester responded on the 11th of May 2026. The response also included the following-

- Community Survey Report (March 2026)
- RPS Group reports-
 - Risk Assessment Risk of Closed Landfill & Tannery, Mayfield, Portlaw 2019¹⁴
 - Risk Assessment of Closed Landfill & Tannery, Mayfield, Portlaw September 2023. EPA Article 11 Request Report.¹⁵
 - Mayfield Tannery Remediation Options Appraisal 2020¹⁶
- Planning Submission to Part 8 application

6.1.4. In terms of the class of development set out in Schedule 5 of the Planning and Development Regulations the requester contends the proposal falls within-

- Class 10 (b)- The basis provided is-
 - *Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas. The conversion of a protected structure to a community facility with associated public realm works falls within this class.*
- Class 10 (d)- The basis provided is-
 - *Infrastructure projects involving the construction or alteration of roads. The closure of George's Street to through traffic, the narrowing of*

¹⁴ This assessment has also been submitted by Waterford County Council- see section 3.11.3

¹⁵ This does not appear to have been submitted by WCCC.

¹⁶ As per above footnote 13.

Factory Road, and the removal of the existing roundabout at Malcomson Square constitute works to the public road network.

- Class 13- The basis provided is-
 - *Any change or extension of development of a class listed in Schedule 5 where such change or extension may have significant adverse effects on the environment. The proposed works are to be carried out on and immediately adjacent to a site confirmed by the Council's own risk assessment to be actively contaminated, constituting a material intervention with direct and foreseeable environmental effects.*

6.1.5. The Commission are advised the wording provided in italics above are not direct excerpts from the PDR and in some cases the premise of these are considered incorrect. These and the correct provisions will be considered further in the assessment.

7.0 WCCC submission to EIA determination request, including Schedule 7A Information

7.1. Schedule 7A of the Regulations relates to the information to be provided for the purposes of screening sub-threshold development for Environmental Impact Assessment. In this regard, the Planning Authority was requested on the 11th of May 2026, in accordance with Article 120(3)(ca) & (cb) of the Regulations, to submit-

- the information set out in Schedule 7A and to make any submission or observations it may have in relation to the matter.

7.2. The Planning Authority submitted their response to the EIA Determination request on the 26th of May 2026. This includes information to address that requested under Schedule 7A.

7.3. The response also includes a cover letter submission responding directly to the Requesters EIA Screening Determination Request. This submission-

- challenges the nature of the requester Community Survey and contends it only reached 41% of its target and does not constitute representative opinion.

- questions the methodology used i.e. references to eyewitness testimony are considered a leading prompt within the questionnaire.
- considers the survey results to be a conflation of historical issues at the Tannery Site with the current proposals on the adjacent Courthouse site. In this regard the Tannery Site is described as a separate private property and as a result the EIA determination request is misplaced.
- considers the use of the Courthouse building to store toxic materials, chemicals etc is speculative. Proposals to rehabilitate this protected building will involve risk assessments as standard including asbestos and ground investigations.
- considers the EIA screening report details soil investigations will be required on the basis of the 2019 risk assessment by RPS on the Tannery Site. Any contaminants will be removed as appropriate. Standard remedial procedures mitigate against a full EIA
- details the proximity of the canal to the site and the River Clodiagh. It argues that considerations of pathway assessments are provided in the 2019 RPS risk assessment which concludes "...no pollutant linkages were considered to represent a risk above low". It also details the general conclusion of the report is there is little evidence of significant effect on water quality in the River Clodiagh. The findings of the 2019 RPS report inform the conclusions of the EIA Screening Report for the part 8 application.
- details that WCCC shares concerns detailed in the 'Environmental Concerns Report' and has been proactive in seeking to address the issue over the past 25 years. The submission details engagements in this regard from 2001, 2016 and 2019. These reports demonstrate the long-term commitment to address such issues. In the absence of funding for acquisition of land, remediation costs and construction costs, remediation has not progressed to date.
- Details that the Tannery site is owned by a development company with intentions to remediate and develop a destination hotel and self-catering accommodation through private investment. WCCC has had several meetings with the owners in this regard. It is incorrect to suggest WCCC is not addressing environmental concerns in Portlaw.

- refers to Tannery site investigation areas (Figure 1 of submission) with evidence of investigations showing contamination in Area 4 i.e. not within the subject site.
- states- *“To guarantee public safety ahead of the Courthouse regeneration project, the council will conduct a comprehensive environmental risk assessment and site investigations. This vital data will fully inform the final engineering designs before any physical construction works commence on the ground”*.
- identifies the location of the courthouse area in context to the Tannery site in Figure 2 of the submission¹⁷
- details that the 2019 RPS report is referenced on pages 2, 5 and 6 of the EIA screening assessment which comprehensively integrates the RPS report’s findings into the reasoning of its conclusions
- details that the Part 8 consultation received 25 public submissions, 3 of these directly referenced environmental concerns one of which was the requester. It is noteworthy that 130 respondents to the requesters survey did not make submissions via public consultations.
- concludes that WCCC stands by its screening assessment that an EIA is not required for the Courthouse regeneration project on the basis of reasons set out including-
 - Proximity of the development site adjacent to, but outside the boundary of the Tannery Site
 - Discharge to river downstream of the site being unlikely and negligible.
 - There is a 20m buffer between the development site and land boundary of the River Clodiagh SAC (60m buffer from edge of Portlaw Canal). The proposed development will not cause loss of habitat from the ecological footprint of the River Clodiagh/River Suir SAC. There will be no land take or direct habitat fragmentation within the SAC. This portion of the SAC is comprised of unimproved grassland and scrub and does not include

¹⁷ The Commission are advised that a long narrow stretch of the application site would appear to protrude into the identified Tannery Site

any QI habitat for which the SAC is designated. AA screening has been carried out and has concluded no potential for significant effects.

- The proposal will refurbish a derelict, heritage building and develop an underutilised section of the town centre, providing a new community quarter.
- The proposal will include an asbestos survey as required
- A formal contamination pathway assessment of the River Clodiagh has been completed as part of the 2019 RPS assessment and results have informed the current proposal.
- An epidemiological assessment is outside the remit of the current Part 8 proposals.

7.4. The local authority's response also includes documents prepared as part of the Part 8 application including the Environmental Impact Assessment Screening Report.

8.0 Assessment

8.1. Introduction

8.1.1. Under the provisions of Article 120 (3)(cc) of the Regulations, the Commission is required to provide a screening determination as to whether the proposed development comprising of-

- Restoration of the Portlaw Courthouse building (RPS ref: WA750334/NBHS ref: 22803055) to serve as a new community hub
- Provision of a pedestrian friendly Market Square, reinstating indoor and outdoor public space for use by the community
- A new vehicular urban link road connecting Factory Road to Main Street including upgrading of Factory Road public realm.
- Redesign of Malcomson Square to rebalance the current vehicular priority
- And all associated works

on a site comprising c. 2.62 hectares, would be likely to have significant effects on the environment.

8.1.2. The following matters are considered relevant in the assessment of whether the proposed development would be likely to have significant effects on the environment:

- Project type/class of development under Schedule 5 of the Regulations,
- Relevant thresholds under Part 2 of Schedule 5 of the Regulations,
- Criteria set out in Schedule 7 and 7A of the Regulations,
- Other relevant information, and,
- Measures to avoid significant adverse effects on the environment.

An assessment of the proposed development against the above is carried out in the sections that follow.

8.2. Relevant Project Types/Class of Development put forward by Requester

8.2.1. The Requester in their submission have indicated the classes in Schedule 5 within which the proposed development is considered to fall are-

- Class 10 (b)
- Class 10 (d) and
- Class 13-

8.2.2. The general premise for these classes, as put forward by the Requester, is in my opinion partially incorrect. Regarding Class 10 (b) (i) (ii) and (iii), the proposal is not for the construction of dwelling units, shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas. The conversion of a protected structure to a community facility with associated public realm works does not fall within class 10 (b) (i), (ii) or (iii) on this basis.

8.2.3. However, I do consider that the proposed project does involve development that falls within class 10 (b) (iv) for the purposes of Environmental Impact Assessment, as follows-

- *‘Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere’.*

- 8.2.4. The development does not fall within Class 10 (d) as contended by the Requester which is – *“All airfields not included in Part 1 of this Schedule with paved runways which would exceed 800 metres in length.”*
- 8.2.5. It may be the case that the Applicant intended to refer to Class 10 (dd) as the basis of their contention which refers to works to the public road network. However Class 10 (dd) is for- *“All private roads which would exceed 2000 metres in length.”* The proposal does not fall within class 10 (dd) as the proposal provides for works to public roads and the new vehicular urban link road connecting Factory Road to Main Street is clearly not intended as a private road.
- 8.2.6. The Requester also considers the proposal to fall within Class 13. Class 13 is *“Changes, extensions, development and testing”* with Class 13 (a) clearly stating *“Any change or extension of development already authorised, executed or in the process of being executed.....”* The proposal does not involve any change or extension of development already authorised, executed or in the process of being executed regardless of the thresholds further detailed. Furthermore the proposal is not a Project in Part 1 of the Regs as detailed in class 13 (b) nor is it a change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 as detailed in class 13 (c). The proposal therefore is not one that falls within Class 13.
- 8.2.7. The Commission is advised that the development could be considered to fall within Class 14 *‘Works of Demolition’* i.e. works in order to facilitate a project listed in Part 2 and in this instance that would be Class 10 (b) (iv).
- 8.2.8. Whilst not stated by the Requester, I consider that Section 50 (1) (a) of the Roads Act may also be relevant to the proposed development. Section 50 (1) (a) of the Roads Act lists the following forms of road development in respect of which there is a mandatory requirement to carry out EIA-
- i. the construction of a motorway.*
 - ii. the construction of a busway.*
 - iii. the construction of a service area, or*

- iv. *any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.*

8.2.9. The proposed development does not fall into the mandatory EIA categories (i), (ii) or (iii), as listed above, as it does not include the construction of a motorway, busway or service area. With regard to category (iv), Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) outlines the following prescribed types of proposed road development for the purpose of subsection (1) (a) (iv) of Section 50 of the Act shall be:

- a) *the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area.*
- b) *the construction of a new bridge or tunnel which would be 100m or more in length.”*

8.2.10. The proposed development does not comprise a road with four or more lanes or include the construction of a new bridge or tunnel of 100m or more in length. Therefore, I consider that this class of development is not applicable.

8.3. Project Thresholds

8.3.1. As set out above, I consider that the proposed development is of a class i.e. Class 10 (b) (iv) for the purposes of EIA and as a result Class 14 also requires consideration.

8.3.2. The threshold cited under Class 10 (b) (iv) is

“Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

8.3.3. The proposed development is clearly ‘urban development’ by nature of the development itself and its location within the town centre of Portlaw benefitting from

a 'Town Core' zoning. There are then three further tests to consider within class 10 (b) (iv)-

- *an area greater than 2 hectares in the case of a business district-*
 - The site area as detailed by the Planning Authority is c. 2.62 ha. Having inspected the site and all of the information submitted, I am satisfied the application site is not located within an area that can be described as a '*business district*'. Although there does appear to be an industrial/manufacturing style business¹⁸ operating from an existing building within the site boundary, I would not describe this as a retail or commercial use nor would I consider it the predominant use in the context of the whole application site which appears to me to be predominantly made up of the public realm and an underutilised backland style parcel of land. The proposal therefore does not fall within this test.
- *an area greater than....10 hectares in the case of other parts of a built-up area*
 - The application site is well below the stated 10 ha. It is noted '*built-up area*' is defined within the RDR's- "*built-up area*" means a city or town (where "*city*" and "*town*" have the meanings assigned to them by the Local Government Act, 2001) or an adjoining developed area". Portlaoise is not defined as a city or town by the Local Government Act, 2001 as amended. The proposal does not fall within this test.
- *20 hectares elsewhere*
 - Although the application site is well below the stated 20 ha requirement, it is considered the proposed development does fall within this class on a subthreshold basis as per the provisions of Schedule 5 Part 2 of the Regulations. The proposal is an '*Urban Development*' of a site below the 20 hectares threshold i.e. is sub-threshold. A mandatory EIA is therefore not required. However EIA Screening is.

¹⁸ SMF Engineering- see footnote 4.

8.3.4. Having regard to the above Class 10 (b) (iv) considerations and noting the proposed development provides for demolition of a number of existing structures¹⁹ Class 14 'Works of Demolition' requires consideration as demolition is required to facilitate the class 10 (b) (iv) project. In this regard consideration is required if demolition works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 and if no such significant effects are identified then class 14 is not considered applicable.

8.3.5. An assessment as to whether the sub-threshold project would be subject to EIA having regard to the criteria set out in Schedule 7 of the Regulations, is set out below.

8.4. Assessment of the development under the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended)

8.4.1. The criteria for determining whether a development would or would not be likely to have significant effects on the environment are assessed under the following headings:

1. 'Characteristics of Proposed Development'-

The characteristics of proposed development, in particular—

- a. the size and design of the whole of the proposed development,*
- b. cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,*
- c. the nature of any associated demolition works,*
- d. the use of natural resources, in particular land, soil, water and biodiversity,*
- e. the production of waste,*
- f. pollution and nuisances,*

¹⁹ See drawing Z0-00PL-L-(90)001 'Existing Structures for Removal'

- g. the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and*
- h. the risks to human health (for example, due to water contamination or air pollution).*

2. 'Location of Proposed Development'

The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—

- a. the existing and approved land use,*
- b. the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,*
- c. the absorption capacity of the natural environment, paying particular attention to the following areas:*
 - i. wetlands, riparian areas, river mouths;*
 - ii. coastal zones and the marine environment;*
 - iii. mountain and forest areas;*
 - iv. nature reserves and parks;*
 - v. areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;*
 - vi. areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;*
 - vii. densely populated areas;*
 - viii. landscapes and sites of historical, cultural or archaeological significance.*

3. 'Types and characteristics of potential impacts'.

The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—

- a. the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),*
- b. the nature of the impact,*
- c. the transboundary nature of the impact,*
- d. the intensity and complexity of the impact,*
- e. the probability of the impact,*
- f. the expected onset, duration, frequency and reversibility of the impact,*
- g. the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and*
- h. the possibility of effectively reducing the impact.*

Each of these criteria is assessed below.

8.4.2. The Commission are also referred to WCCC Screening Report submitted with the Part 8 application.

8.4.3. **Characteristics of the Proposed Development....., in particular-**

See Table 1 of submitted EIASR.

8.4.3.1. **Size & Design**

The proposed development is effectively an upgrading and extension of the existing public realm. It is significantly below the threshold for urban development in an area described as elsewhere in the regulations.

While the proposed works generally involve upgrading the existing public realm I do not consider these to be significantly at variance with the established pattern of development of Portlaw.

The proposal does involve extending the existing public realm southwards intending to bring underutilised backland style development and inaccessible space into the public environs and thereby providing for civic spaces, community uses, permeability and connectivity all within an area zoned Town Core in the WCCC Development Plan. In this regard I am satisfied that the scale and design of the project would not be likely to give rise to significant environmental effects.

8.4.3.2. Potential for Cumulative Impacts with other Existing and/or Approved Projects

I have not identified any other existing and/or approved projects that would be likely to have potential for cumulative impacts or that any such impact would likely be significant.

8.4.3.3. Nature of any Demolition Works

Drawing Z0-00-PL-L-(90)001 is titled 'Existing Structures for Removal'. This shows 6 buildings/structures and areas of wall to be removed. This includes the SMF Engineering building. The proposal also requires some demolition works to the Courthouse building structure including an extension to the east face of the courthouse, some internal walls and blocked up windows and doors.

The Commission are further referred to the Schedule 7A information (page 4) submitted by WCCC which further details proposed demolition work.

I do not consider the extent of demolition works proposed to be significant nor would any such works be likely to have any significant impacts in the context of EIA.

8.4.3.4. Use of Natural Resources

WCCC indicates the proposal will result in loss of approximately 0.5ha of habitat comprising scrub, grassland and treeline.

The Commission are further referred to the Schedule 7A information (page 5) submitted by WCCC which further details are supplied in relation to natural resources. This includes proposals for SuDS and Nature Based Solutions with surface water discharging to the dry Portlaw Canal.

Having regard to the nature and limited scale of the proposal in an urban and predominantly man-made environment, it is not considered that there will be a significant use of natural resources.

8.4.3.5. Production of Waste

The EIA Screening report submitted by WCCC refers to the Courthouse buildings previous use by *“Waterford Leathers 1993- 2003 a contained explosive proof building used for dyes and lacquers for the leather process”*. It details a 2019 Detailed Site Risk Assessment and Quantitative Risk Assessment Report prepared by RPS Group and on file classifies the site as low risk. It is noted the building now appears in a derelict condition.

During the construction and demolition phase, routine waste will be generated. This is not anticipated to be of any significant level and should be managed through standard construction and demolition practices and methodologies.

During the operation stage waste water is to be pumped from the courthouse building to the public network. For surface water disposal the site is considered in two areas. The first area will discharge to the existing surface water and combined sewer infrastructure, in line with the current drainage arrangement within the area. Sustainable Urban Drainage Systems (SuDS) will be implemented where reasonably practicable to reduce runoff rates, promote infiltration, enhance water quality, and ease the pressure on the existing drainage network. The second area will include underground gravity surface water drainage network with proposed SuDS (swales) and then passing through a Hydrobrake chamber, which will restrict flows to 60 l/s prior to discharge at the proposed connection point i.e. the existing Portlaw Canal present south of the site.

The EIASR also details the provision of a Waste Management Plan.

The Commission are further referred to the Schedule 7A information (page 6 & 7) submitted by WCCC which provides further details in relation to waste production

which will be handled under a Construction and Demolition Waste Management Plan (CDWMP).

Having considered all of the information on file and having regard to the small scale nature and characteristics of the proposed development in the context of the EIA Directive, including its urban location, it is considered unlikely that the proposed development will result in likely significant environmental effects from the production of waste.

8.4.3.6. Pollution and Nuisances

The EIASR submitted by WCCC refers to the past industrial use of the Courthouse building and the sites proximity to Portlaw Tannery i.e. generally west of the application site but including part of the site to the south of the Courthouse. The EIASR considers there is potential for sub-floor chemicals and heavy metals at the site. Ground investigation works are required to confirm the presence/absence of same and these will be supported by a waste management plan.

The Commission are also referred to the EPA Article 11 Request Report²⁰ prepared by RPS in 2023 and titled 'Closed Landfill & Tannery, Portlaw, Co. Waterford'. This describes the finding for each area of the Tannery Site. In particular as regards 'Area 5 the Filter Beds' i.e. within the subject application site, the report (page 16) states- *"The risk of pollution from the filter beds is considered to be low for all receptors"*.

The EIASR also refers to construction traffic and noise will cause a small scale and temporary inconvenience for local residents during scheme works. These works are temporary in nature.

Concerns regarding waste disposal and deposit of asbestos etc are raised by the Requester. The Commission is advised that the requirement for site investigations, contamination assessments, asbestos surveys etc. and where necessary, remediation measures are not uncommon in the context of previously developed or brownfield lands. The requirement for such investigations and any associated remediation does not, of itself, indicate that the proposed development would be likely to give rise to significant effects on the environment. Rather, such measures

²⁰ Submitted by the Requester

are intended to identify and manage potential risks and inform the detailed design and construction methodologies of the proposed development.

The Commission are further referred to the Schedule 7A information (page 7) submitted by WCCC which provides further details in relation to pollution and nuisances with works identified in proximity to the canal and River Clodiagh identified. Other matters identified include noise, vibration, dust, waste and litter. These are to be minimised through the implementation of a Construction Environmental Management Plan (CEMP), Waste & Resource Management Plan and Traffic Management Plan

Having considered all of the information on file and noting the part of the site that was previously part of the Tannery Development i.e. the 'Filter Beds' where the risk of pollution is considered low for all receptors and having regard to the small scale nature and characteristics of the proposed development, in the context of the EIA Directive, including its urban location, brownfield nature of the site on suitably zoned lands, it is considered unlikely that there will be any significant impacts from pollution and nuisances.

8.4.3.7. Risk of Major Accidents and/or Disasters including those caused by Climate Change

Having considered all of the information on file and having regard to the small scale nature and characteristics of the proposed development in the context of the EIA Directive, including its urban location, it is considered unlikely that there is a significant risk of major accidents and/or disasters including those caused by climate change.

The Commission are further referred to the Schedule 7A information (page 7) submitted by WCCC which provides further details in relation to Risk of Major Accidents. The proposal will not involve use of hazardous materials in significant quantities and will have a Construction Management Plan (CMP) and Health & Safety Plan in place.

8.4.3.8. Risk to Human Health

Having considered all of the information on file and having regard to the small scale nature and characteristics of the proposed development in the context of the EIA

Directive, including its urban location, it is considered unlikely that there is a significant risk to human health.

During the construction and operation phases risk to human health arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures.

Schedule 7A information details that Best practice construction measures combined with a CMP will ensure that the entire construction phase is appropriately controlled to reduce risk to human health to a minimum.

8.4.4. Location of the Proposed Development- The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—

See Table 2 of submitted EIASR.

8.4.4.1. Existing and Approved Land Use

The proposed development is effectively an upgrading of the existing public realm in the Town Core of Portlaw and extension of that public realm to include an underutilised backland area for public and community use. The proposed development is considered compatible with the existing use of the land.

The Commission is also referred to the submitted Schedule 7A information (page 8-10) which further describes the 'Existing and Approved Land Use' as well further descriptions of the adjacent Tannery site.

8.4.4.2. Relative abundance, availability, quality and regenerative capacity of natural resources

The EIASR submitted by the WCCC to support the planning application details the proposed works will result in loss of approximately 0.5ha of habitat comprising scrub, grassland and treeline. This appears to include a stated line of 15-20 trees which run along the historic Stone Wall marked as the Rope Walk²¹ on First Edition Ordnance

²¹ The Commission are referred to the 'Portlaw Planning Report and Architectural Heritage Impact Assessment' document submitted with the application and page 52 where the boundary at Rope Walk is identified and discussed.

Survey Maps. It is detailed that tree species include Lime, Sycamore, Hazel and a conifer. This loss is not considered significant in the context of the site and the proposal.

The development proposes²² a large area of 'Softworks & Vegetation to include a meadow grassland area with SuDS and other planting, generally in the area of existing habitat loss. The proposal also includes retention and further planting of trees throughout the application site as shown in the drawing.

The location of the proposed development is such that the natural resources used in the proposed development is limited and there would be minimal ongoing use of natural resources from the proposed use of the site.

During the construction and operation phases risk to abundance, availability, quality and regenerative capacity of natural resources arising from pollution and nuisances etc. would be reasonably controlled as part of standard and best practice construction and operation measures.

The Commission is also referred to the Schedule 7A information which further describes these topics (page 10-11).

8.4.4.3. The absorption capacity of the existing natural environment

The site of the proposed development is located within the urban area of Portlaw, is zoned Town Core and has for the large part of the site being subject to urban style development through the evolution of the town.

(i) Wetlands and Watercourses

There are no wetlands or watercourses located within the site boundary. The proximity of the site just north of the existing but no longer functional canal and the river Clodiagh is noted. The proposal includes surface water drainage proposals for part of the site to the canal discharging to the River Clodiagh. Table 1 of the EIASR details "Standard measures for the protection of watercourses will be adhered to including adherence to IFI Guidelines on Planning for Watercourses in the Urban Environment.

WCCC have prepared a Site Specific Flood Risk Assessment with the Part 8 application and submitted same to ACP. The proposal is considered a less vulnerable

²² See 'Landscape Layout' drawing

category of development and the site is located within flood zone C. The proposed development is considered a suitable development at this location in the context of the EIA Directive and requirements of the PDR's with no significant impacts or risk identified to wetlands and watercourses

(ii) Coastal Zones

The site of the proposed development is not located in a coastal zone or considered to be in a reasonable distance from same.

(iii) Mountain and Forest Areas

The site of the proposed development is not located in a mountain or forest area. Portlaw Woods is located c. 250 m south west of site and it is considered the nature and characteristics of the proposed development will not impact the woods in any significant way.

(iv) Nature Reserves and Parks

The site is not located within or within immediate proximity of a nature reserve or park.

(v) Nationally Designated Sites and European Sites

The site is located in very close proximity to the Lower River Suir SAC (002137) boundary- adjacent to the south and east of site. The Appropriate Assessment Screening Report (AASR) prepared for the development concludes that- *"the proposed development individually or in combination with other plans or projects will not give rise to significant effects on the conservation objectives of the qualifying interest habitats and species of the River Suir SAC for which the site is designated and that occur within the zone of influence of the site of the proposed development"*.

Portlaw Woods is a Proposed Natural Heritage Areas (pNHA) and is located c. 250 m south west of the site. It is considered the nature and characteristics of the proposed development will not impact the woods in any significant way.

No other designated sites are considered to be impacted in a significant way by the proposed development.

(vi) Environmental Quality Standards

The EIASR submitted details that the "EPA rate water quality in the River Clodiagh as 'Good' (EPA Envision Maps 2019-2024) and the tidal section (Upper Suir Estuary) as

poor and at risk of not achieving good status as per objectives under the Water Framework Directive”.

It is considered that the proposed development is required to comply with the relevant Statutory Legislation including the Local Government (Water Pollution) Acts, 1977 and 1990. The appointed contractor will be required to co-operate in full and thereby ensure no significant effects.

Noting the separate obligations of the Wastewater Framework Directive it is considered that the proposed development subject to standard and best practice construction and operation measures is not likely to have significant impacts as per the requirements of the EIA Directive.

(vii) *Densely Populated Areas*

The EIASR details the population of Portlaw at 2,000. Noting the site area in the context of Portlaw and its settlement boundary, I do not consider the proposed development will have a significant impact on any densely populated area.

(viii) *Landscapes of Historical, Cultural or Archaeological Significance*

The site is not considered to be located within a ‘landscape’ of historical, cultural or archaeological significance. However the site is located within an ACA and the proposal involves the redevelopment of an existing derelict Protected Structure. Having inspected the documentation on file and visited the site, I am satisfied the site has the capacity to absorb proposed development in the context of the wider ACA’s significance at this location in an existing urban area and that redevelopment of an existing derelict protected structure would not significantly impact the structure in any adverse or negative way.

Having considered (i) to (viii) above, the Commission are also referred to the submitted Schedule 7A information page 11-13 where the ‘Absorption Capacity of Natural Environment in the area’ is discussed further.

8.4.5. Types and Characteristics of the Potential Impact - Nature, magnitude and extent of impact

See Table 3 of submitted EIASR.

Nature, magnitude and extent of the impact- These are considered in the context of the EIA Directive as follows-

The nature, magnitude and extent of the impact in terms of geographical area and the size of the population likely to be impacted is generally considered limited to the settlement of Portlaw. There is potential for downstream impacts on designated sites owing to proximity of the site and hydrological connectivity to the Lower River Suir SAC (002137).

8.4.5.1. **Population and Human Health**

During the construction and operation phases impacts arising from pollution and nuisances as discussed above would be controlled as part of standard and best practice construction and operation measures. It is considered unlikely that significant impacts would arise on population and human health.

8.4.5.2. **Biodiversity**

The Commission are reminded that WCCC have carried out and submitted a Stage 1 AASR which concludes that *“the proposed development individually or in combination with other plans or projects will not give rise to significant effects on the conservation objectives of the qualifying interest habitats and species of the River Suir SAC for which the site is designated and that occur within the zone of influence of the site of the proposed development”*.

Having regard to the minimal separation distance from the Lower River Suir SAC (002137), the environment between the site and the SAC, the design of the proposed development including the surface water drainage systems and design measures to limit transference of pollutants, the nature of the site which for the most part is surrounded by existing urban development; and the scale of the proposed development, and best practice construction and operation practices likely to be used it is considered that significant impacts to the European Sites during the construction phase would not be likely. On this basis it is considered unlikely that significant impacts would occur.

The EIASR details that bats are subject to strict protection and that a survey of bat usage of the courthouse and adjacent stone wall is required to be carried out as part

of a wider Ecological Impact Assessment. In this regard the EIASR concludes an Ecological and Landscape Impact Assessment Report (Habitat Mapping, Invasive Species Survey, Bat Survey of Structures including Courthouse and Historic Stone Wall, Tree Survey and NbS²³ proposals be submitted.

The EIASR further commits to a bat survey prior to commencement of development and standard measures for the protection of watercourses including adherence to IFI Guidelines on Planning for Watercourses in the Urban Environment.

I am satisfied the requirement for additional ecological and bat surveys etc. to inform detailed design does not, in itself, indicate that the proposed development is likely to have significant environmental effects.

The Commission are further referred to the Schedule 7A information (page 6) submitted by WCCC which provides further details in relation to Biodiversity. It details that *“Whilst the site is adjacent to the SAC there will be no land take or direct habitat fragmentation within the SAC. This portion of the SAC is comprised of unimproved grassland and scrub and does not include any QI habitat for which the SAC is designated.”*

Page 10 of the Schedule 7A information further describes the Lower River Suir SAC in the context of the subject proposal. This includes detailing the qualifying interests of the SAC relevant to the zone of influence.. Proximity to Portlaw Woods is also detailed.

Having considered all of the information on file and above, given the sites location and Town Core zoning within Portlaw, the relatively small scale of the proposed development in the context of the EIA directive, the detailed small scale loss of approximately 0.5 hectares of existing scrub, trees and grassland, the findings of the AASR and the preparation of an EcIA, it is considered unlikely that significant displacement of species, loss of habitat and accordingly significant impacts to biodiversity would be likely to occur as a result of the proposed development.

8.4.5.3. Land, Soil, Water, Air and Climate

²³ This likely means nature-based solutions- including bioretention raingardens which are to be incorporated into the scheme to enhance the civic spaces and contribute to surface water management. See EIASR Table 3.

While the proximity of the Tannery site is acknowledged having considered the details as presented in the RPS reports on file and as addressed in the submitted EIAsR, it is considered the construction and operation phases impacts arising from pollution and nuisances would be controlled as part of the standard and best practice construction and operation measures.

The Commission are further referred to the Schedule 7A information (page 5) submitted by WCCC which provides further details in relation to land, soil and water. This information details the provision of soft landscaping and swales to land in order to provide nature based solutions to surface water drainage etc. It details minimal soil removal is envisaged and small amounts may be imported or reused on the site for landscaping purposes. In terms of water supply a service request from Uisce Eireann has been approved.

Having considered all of the above and the information on file, it is, therefore, considered unlikely that significant impacts would arise on land, soil, water, air and climate.

8.4.5.4. Material Assets, Cultural Heritage and the Landscape

The nature of the proposed development will lead to an evident visual impact for much of the site location within the Town Core of Portlaw and in particular the visual impact of same to the ACA and the protected Courthouse building is noted.

However, when considering the size and design of the public realm improvements which incorporates landscaping as well as other interventions to the ACA and protected structure it is considered that the public realm improvements will assimilate into the architectural townscape and the ACA and would not be visually obtrusive and would not, significantly interfere with the character of the ACA or protected structure and form an obtrusive or incongruous feature.

It is considered unlikely that significant impacts would arise on the ACA and or the protected structure.

Aside from the built heritage aspects of the proposal, the development will impact upon material assets including, traffic and transport, the existing road network, vehicle priority at junctions etc and existing public services. Noting the size and scale of Portlaw and the contents of the submitted Engineering Assessment Report and Traffic

and Transport Reports etc it is not considered that such impacts will be significant in the context of the EIA Directive.

The proposal in the settlement boundary of Portlaw on zoned lands is not considered to have a significant impact on Landscape.

Having regard to all of the above, including the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise on material assets, cultural heritage and/or the landscape.

8.4.5.5. Major Accidents or Disasters

Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise in relation to major accidents and disasters.

8.4.5.6. Interaction between the factors

There is potential for interactions between various environmental factors, notably between land and biodiversity and population. These would be controlled as part of the standard and best practice construction and operation measures. On this basis it is considered unlikely that significant impacts would arise from the interaction between factors.

8.4.5.7. Transboundary nature of impact

There will be no transboundary impacts associated with the proposed development.

8.4.5.8. Probability, intensity and complexity of impacts

Temporary noise, dust and traffic impacts are likely to arise, however having considered the nature, scale, location and characteristics of the proposed development and noting the contents of all the information on file it is considered that the probability, intensity and complexity of impacts likely to arise from the proposed development are not significant.

8.4.5.9. Expected onset, duration, frequency and reversibility of the impact

Having regard to the nature of the proposed development, the scale of the construction works, it is evident that the construction phase impacts will be short term and temporary²⁴. The operational impacts will be on-going, long term and only reversible if in the very unlikely event that the proposed development is removed, and the site is reinstated to its pre-development state.

8.4.5.10. Cumulation of Impact

No other relevant projects have been identified. It is therefore considered unlikely that the proposed development will result in significant effects as a result of any cumulative impacts.

8.4.5.11. Possibility of effectively reducing Impact

Notwithstanding the absence of any identified likely significant impacts in the context of the EIA Directive, I consider the implementation of standard best practice methodologies, including remediation measures as required during the construction phase of any project such as the proposed development will be sufficient to effectively reduce potential impacts, including the concerns as highlighted by the Requester.

The probability of impacts during the operational phase is significantly reduced owing to the completion of the construction works, the design proposals for wastewater and surface water management as well as the overall built heritage and other design proposals of the project.

8.5. Schedule 7A Information

Article 120(3)(cb)(i) of the Regulations provides that where a local authority is submitting Schedule 7A Information to the Commission it shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, how the results of other relevant assessments of effects on the environment carried out pursuant to European Union Legislation (other than the EIA Directive), have been taken into account.

²⁴ It is detailed in the Schedule 7A submission that the construction phase is expected to be completed in 24 months.

Following a request by ACP dated 11th of May 2026, WCCC submitted information dated the 26th of May 2026 to address Schedule 7A of the PDR's.

Schedule 7A sets out requirements for "Information to be provided by the applicant or developer for the purposes of screening sub-threshold development for Environmental Impact Assessment." This includes the following-

1. *A description of the proposed development, including in particular—*
 - (a) *a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and*
 - (b) *a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.*
2. *A description of the aspects of the environment likely to be significantly affected by the proposed development.*
3. *A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—*
 - (a) *the expected residues and emissions and the production of waste, where relevant, and*
 - (b) *the use of natural resources, in particular soil, land, water and biodiversity.*
4. *The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7*

As the Commission will be aware there is duplication in the requirements of Schedule 7 and 7A and in this regard for assessment of the submitted schedule 7A information there is a reliance on the assessment as set above for Schedule 7 as further supplemented in places by the Schedule 7A information, in order to avoid unnecessary duplication.

8.5.1. Description of the proposed development

The proposed development has been sufficiently described as set out earlier in this assessment and report.

8.5.2. Aspects of the environment likely to be significantly affected by the proposed development.

The Commission are referred to page 13 of the Schedule 7A information where it is detailed that the proposal *“is expected to have no significant impact in terms of air pollution, water contamination, soil degradation, deforestation, biodiversity loss, waste generation, energy consumption or climate change contribution.”* WCCC consider *“the most significant effect of the development will be the removal of 0.5ha of scrub and rough grassland to the south of the courthouse site. This vegetation type is well represented in the wider landscape and is not of high ecological value.”*

The schedule 7A information then details that *“The project will also be mitigated at detailed design stage by the combination of an ecological impact assessment and ground investigations.”*

Having considered all of the information on file including the schedule 7A information submitted by WCCC and as set out earlier in this assessment and report it is considered there are no aspects of the environment likely to be significantly affected by the proposed development in the context of the EIA Directive.

8.5.3. Description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment.

WCCC’s Schedule 7A submission (page 14 and 15) details expected residues, emissions and waste from the proposed development as well as a number of mitigation controls. It is that these are typical outcomes of such a development proposal and the mitigation controls are standard measures in this regard.

In relation to natural resources, in particular soil, land, water and biodiversity it is repeated that there will be a loss of 0.5 hectares of scrub and rough grassland. This is then described as an *“insignificant impact due to common representativity in the wider landscape”*. Movement of Soil is to be informed and managed by a waste management plan and water demand for the new community hub is 4.5 to 5m³ per day on average with a pre-approved connection by Uisce Eireann with no significant

impact. Matters relevant to biodiversity are described as loss of lower ecological value habitat within an area zoned as Town Core with biodiversity enhancement measures including compensatory planting of trees and nesting boxes for birds and bats to be incorporated into the project development. In relation to the SAC and qualifying interests it is further detailed that the proposed development

“will not cause significant effects on the existing distribution, river accessibility, adult spawning fish, salmon fry abundance, out-migrating smolt abundance, number and distribution of redds and water quality for Atlantic Salmon nor the distribution, population structure of juveniles, juvenile density in fine sediment, extent and distribution of spawning habitat and availability of juvenile habitat for Sea Lamprey , River Lamprey or Brook Lamprey”.....

“A survey by NPWS in 2019 recorded around 100 Freshwater Pearl Mussels in the River Clodiagh. In 2026 it is estimated there are less than 50 mussels remaining in the river. The population of mussels recorded downstream of Portlaw Bridge in the 1990s is now extinct (Eugene Ross for Inland Fisheries Ireland 2021).....and

“It is considered the proposed development will not cause significant effects on the distribution, population size, structure, condition of suitable habitat, water quality, substratum quality, hydrological regime, host fish or fringing habitat for Pearl Mussel in the River Clodiagh.”

Having considered all of the information on file including the schedule 7A information submitted by WCCC and as set out earlier in this assessment and report, no likely significant effects, to the extent of the information available on such effects have been identified in the context of the EIA Directive.

8.5.4. Compilation of the information at paragraphs 1 to 3²⁵ shall take into account, where relevant, the criteria set out in Schedule 7

Having considered all of the information on file including the schedule 7A information submitted by WCCC and as set out earlier in this assessment and report, it is

²⁵ I.e. paragraphs 8.5.1 - 8.5.3 of this report.

considered that a compilation of all relevant information including that in Schedule 7 has been considered.

9.0 Recommendation

Having regard to the criteria set out in Schedule 7 and the information provided pursuant to Schedule 7A of the Planning and Development Regulations 2001 (as amended), the proposed development would not be likely to have significant effects on the environment and accordingly, an Environmental Impact Assessment is not required.

It is therefore recommended that Waterford City and County Council be advised that the preparation and submission of an Environmental Impact Assessment Report is not required in respect of the proposed development.

10.0 Reasons and Considerations

Having regard to the following:

- a) Annex III of the EU EIA Directive 2014/52/EU,
- b) The provisions of Section 179 of the Planning and Development Act, 2000, as amended and Article 120 (3)(b) of the Planning and Development Regulations, 2001 (as amended),
- c) The criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations 2001, as amended,
- d) The limited nature and scale of the proposed development which is under the threshold in respect of Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001, as amended,
- e) The absence of any demolition works likely to have significant effects in respect of Class 14 (Works of Demolition) of the Planning and Development Regulations 2001, as amended,
- f) The location of the site on lands that are zoned ‘Town Core’ in the Waterford City and County Development Plan 2022-2028, and the results of the strategic

environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),

- g) The scale of the proposed development and the pattern of development in the vicinity, served by public infrastructure
- h) The submission made as part of the request for a determination,
- i) The submission made by the local authority, and
- j) The report and recommendation of the Planning Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and accordingly, that the preparation and submission of an Environmental Impact Assessment Report is therefore, not required.

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.

Adrian Ormsby

Planning Inspector

22nd of July 2026