



An
Coimisiún
Pleanála

Inspector's Report

PL-500554-WD-26

Development	Construction of a residential development containing 91 units. A Natura Impact Statement (NIS) was submitted with this application.
Location	Killure Road, Kilcohan, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560154
Applicant(s)	S & K Carey
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Mary P Sherrard Bangalore N Mahesh JohnJoe and Angela Hodgers
Observer(s)	None
Date of Site Inspection	10 th of April 2026
Inspector	Karen Hamilton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	13
5.1. National.....	13
5.7. Waterford City and County Development Plan 2022-2028	15
5.8. Natural Heritage Designations	19
6.0 The Appeal	20
6.1. Grounds of Appeal	20
6.2. Applicant Response	22
6.3. Planning Authority Response.....	24
6.4. Observations.....	25
7.0 Assessment.....	25
7.2. Principle of Development	25
7.3. Design and Layout	26
7.4. Traffic and Transport.....	30
7.5. Provision of a childcare facility	35
7.6. Impact on Ecology	37
8.0 EIA Screening.....	38

9.0	Water Framework Directive	39
10.0	Appropriate Assessment	41
11.0	Recommendation	42
12.0	Reasons and Considerations.....	42
13.0	Appendix 1 - Form 1: EIA Pre-Screening	44
14.0	Appendix 2 – Form 3 – EIA Screening Determination	46
15.0	Appendix 3- WFD Screening	54
16.0	Appendix 4 –Screening and Stage 2 Appropriate Assessment	59

1.0 Site Location and Description

- 1.1. The site (2.25ha) is an agricultural field located on the Killure Road, along the southern edge of Waterford City, and c. 2.7m to the City Centre. The site is bounded by Killure Road (R708) (also known as the Airport Road) to the east, Outer Ring Road to the south, and Kill St. Lawrence's entrance road to the north. There are cycle and footpaths along the Killure Road which connect the site to the city centre.
- 1.2. The area to the north is predominately residential development with the Kill St. Lawrence residential development. The site surrounds a residential property and a site on which planning permission has been granted for a 2-storey creche, both to the east of the site and both with access off the Killure Road.
- 1.3. A gentle slope on the site falls from the north to the south. The site is at a higher level than the Killure road. There is an open timber fence with the hedgerow on the boundary with the Killure Road. The boundary with the Kill St. Lawrence Estates consists of a timber fence, tree planting, shrubs, and some additional palisade fencing. The southern boundary with the Outer Ring Road comprises open timber fencing and hedgerows. There are a number of lines of hedgerows within the site and mature trees and hedgerows along the boundaries of the site.

2.0 Proposed Development

- 2.1. The development includes the construction of 91 no. units within Phase 1 of an overall residential scheme comprising of the following:

Unit types

Units	1 bed	2 bed	3 bed	4 bed	Total
Dwellings		2	41	8	51
Apartments	8	26	6		40
Total	8	28	47	8	91

- 2.2. The proposed development will also include pedestrian access, vehicular entrance and alterations to the public footpath from the public road, carparking spaces, bicycle

parking area, public open space, foul and surface drainage, street lighting, landscaping, boundary treatments, alterations of site levels and all ancillary site development work necessary to facilitate the development.

2.3. The access is proposed from the Killure Road (R708), via an existing residential entrance into the Kill St Lawrence housing estate.

2.4. The application includes the following documentation:

- Services Engineers Report
- Construction and Demolition Waste Management Plan
- Surface Water Management Plan
- Universal Access Statement
- Residential Energy Statement
- Site Street Lighting Report
- Operational Waste Management Plan
- Part V Agreement
- Housing Quality Assessment
- Ecological Impact Assessment (EclA)
- Screening for Appropriate Assessment
- Natura Impact Statement (NIS)

2.5. The documents submitted with the Further Information (FI) include:

- Traffic Impact Assessment and Quality Audit
- Active Travel Proposal
- Pre-Connection Enquiry (Uisce Éireann)
- Archaeology Report
- Sustainable Urban Drainage Report (SuDS)

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 27 no conditions of which the following are of note:

C2: Mitigation measures in the NIS shall be implemented.

C3: Prior to commencement of development full details and final design specifications for the junction of the Kill Saint Lawrence Road (L-91132-0) and the Airport Road (R708) to take into account of Active Travel works to the Airport Road, shall be agreed in writing with Roads Section and Active Travel Section, Waterford City & Council. Alterations to the junction shall take into account the Active Travel works to the Airport Road. All works to be agreed in writing with the Council.

C4: Requirement for compliance with traffic and transport section requirements, including the submission of a Stage 3 Road Safety Audit, Construction Traffic Management Plan, traffic yield signs at junctions, wheel wash, road opening licences, agreement of works along the road, treatment of water and drainage.

C5: Section 48 Development Contribution

C7: Sustainable Urban Drainage System (SUDS) requirements.

C8: Uisce Éireann requirements.

C20: Part V condition

C22: Occupation condition under Section 47

C23: a) Boundary treatments shall be implemented as per the 'site layout plan'.
b) The proposed 'permanent paladin fence' located to the site of Sites 37 to 42 (i.e. rear boundary of the permitted childcare facility as per planning reference 24/61) shall consist of a 1.8m high block wall rendered to the development side. c) The removal of hedgerows and trees shall only take place outside the bird nesting season 1st of March -31st of August.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The area planner recommended a grant of permission following a request for further information and clarification of further information, as summarised below. The planner's report addresses compliance with national housing policy, the recent grant of permission of the creche beside the site (PA reference 21/377), the density of the proposal (40 units per hectare uph, in line with the national requirements 35-50 uph), the Social Infrastructure Audit, the open space provision at 12% which complies with the Sustainable Compact Guidelines (10% requirement), and the compliance with the FI and the CFI points as summarised below:

Further Information Request (FI)

- Submission of a Traffic and Transport Assessment, a Quality and Road Safety Audit (described in DMURS), a revised site layout plan indicating compliance with DMURS, confirmation of a street lighting design, omission of the proposed left-turn lane at the Kill St Lawrence road, updated swept path analysis for a refuse truck and fire tender, revised plans showing pedestrian and cycle links at the cul-de-sac adjacent to No. 22 out onto Kill St Lawrence, revised proposals for a pedestrian and cycle link from this phase of the development to Cuann Na Mban Ring Road (Outer Ring Road), a revised site layout in red indicating a letter of consent for works outside the developers control, consideration of a horizontal deflection, raised table outside No. 42.
- Confirmation that the proposed permeable paving to private driveways does not form part of the surface water calculations, is permeable paving and will include evidence of suitable infiltration capabilities, green spaces adjacent to roads and footpaths 50-100mm below adjacent hard standing to facilitate natural run-off, detailed cross sections of detention basins indicating shallow sides no steeper than 1:4, surface water drainage proposals to meet the four objectives of SuDS, updated SUDS report including consideration of Criteria 1-4 of the Greater Dublin Strategic Drainage Study (GDSDS) and provide a checklist in accordance with Appendix B4 of same .
- Apartment Block 1 will impede the development potential of adjoining lands to the north, revised plans include a setback from the northern shared boundary, the communal amenity space for the apartment blocks was reconsidered and

located more centrally in the development to allow for passive surveillance and integrate pedestrian and cycle networks, inclusion of a shadow projection drawings in relation to a block of apartments beside the single storey dwelling to the south east of the site.

- There was concern in relation to the water levels in the 'zone 2' detention basins and that amenity value and the detention basin was redesigned (levels lowered) and the landscape plans altered to improve the amenity value.
- Cycle parking design was submitted to provide confirmation with SPPR 4 of the Apartment Guidelines.
- An updated landscape drawing to illustrate the sections through the detention basins.
- Updated section drawings to illustrate the detention basins in relation to the surrounding area, footpaths etc, section drawings indicating the site No 22 relative to the Airport Road and the adjoining childcare facility, section drawings illustrating the relationship between sites 23 and 32 relative to the permitted childcare facility, section drawings illustrating the detention basin for 'zone 4' relative to the existing residential property to the east and sections for Apartment 1 and the adjoining carpark.
- Confirmation from Uisce Éireann.
- Submission of an Archaeological Impact Assessment Report including test trenches, written report of any archaeological materials, mitigation measures proposed and any subsequent archaeological investigative work needed.

Clarification of Further Information (CFI)

- Update of the water quality for each of the SuDS zones, including a Simple Index Approach (SIA). Clearly indicate the water quality objective for each zone can be met. For example, the mitigation measures in the SuDS design will ensure the water quality is satisfactory.
- The Traffic & Transport Assessment is to be updated to take into account the overall lands at this location.

3.2.2. Other Technical Reports

Active Travel: No objection subject to conditions to accommodate the proposed Johns Park Active travel scheme at the junction and require good permeability throughout the proposed estate.

Metro Area District Engineer: No objection to the development following information submitted on a Further Information (FI) requested relating to the sightlines, swept path analysis, permeability links, speed control measures for surface water management, street lighting and the submission a Quality and Road Safety Audit as described in DMURS, and , clarification of FI on the Simple Index Approach for each water zone (updated SuDs).

Environment Report: No objection subject to conditions relating to the Construction and demolition waste management plan, minimising dust, installation of silt fences to the drainage networks, site development times, bin storage and waste storage.

Place Names Committee: No objection subject to conditions including the Council's standard place naming condition.

Architects Office: Planner's report notes a conversation referring to no objection from the Architect.

3.3. Prescribed Bodies

Department Applications Unit (Department of Housing, Local Government & Heritage): No objection following the submission of an Archaeological Impact Assessment Report as part of the FI.

Uisce Éireann: No objection subject to conditions.

Transport Infrastructure Ireland: The Council shall be aware of the office policy and should have regard to Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines.

3.4. Third Party Observations

Fifteen third party submissions were received during the application process and the issues raised are similar to those listed in the grounds of appeal and mainly relate to the following issues:

- Traffic congestion in the area.

- Traffic and Transportation assessment.
- Impact on residential amenity.
- Impact on construction.
- Impact of traffic and construction on the Kill St Lawrence estate.

4.0 Planning History

The subject site

4.1. **R316963-23 (PA Reg Ref: WFD-C15-11)**

Inclusion of the land on the residential zoned land tax draft map.

4.2. **R314774-22 (PA Reg Ref: 22/80)**

Permission refused by the Board for the following reason:

Having regard to the residential zoning objective for the site, the current provisions of the Waterford City and County Development Plan 2022-2028, in particular policy H02 and Section 3.2 of Volume 2, and the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended which are referenced in aforementioned Policy H 02 and Section 3.2, it is considered that the proposed development would not be developed at a sufficiently high density to provide for acceptable efficiency in land use age given the proximity of the site to established social and community facilities in the vicinity and connectivity to the City centre would not conform to the minimum densities of 35-50 units per hectare on outer suburban/greenfield sites in Cities and Larger Towns as recommended in the Guidelines. The proposed development would, therefore, be contrary to policy H 02 of the Waterford City and County Development Plan 2022-2028, would set an undesirable precedent for residential development in the area and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the concerns raised by the Inspector in respect of the density which the Inspector considered could be overcome by the density likely to arise from the

overall development of the wider lands. The Board considered that the proposed development should not rely on future development to comply with minimum residential density provisions, and at just under 30 units per hectare, the Board considered that the development as proposed would not provide a sufficient sustainable density for this serviced site and could set an inappropriate precedent in the area. The Board considered in particular that the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) state that densities of less than 30 dwellings per hectare are generally discouraged in the interest of the land efficiency particularly on sites in excess of 0.5 hectares.

The Board had further reservations in respect of the layout and design of the proposed development, which it considered incorporates an unsatisfactory configuration of parallel roads and cul-de-sacs. Furthermore, notwithstanding that the proposal was stated to be phase 1 of a larger development area, the Board had concerns as to the extent of development proposed within the current application which provide for parts of open spaces and parts of terrace of dwelling units. However, given the substantive reason for refusal outlined above, it was decided not to pursue these matters in the current application

Adjoining Sites

4.3. **PA. Reg. Ref 24/64**

Permission granted for the extension of the existing ground floor to the rear (west) side to include for a new extended plant room & switch room and the conversion of the existing attic area/second floor area to additional creche accommodation all as previously granted to the 2-storey creche facility under Planning Permission ref no. 21/377.

Condition No 2 linked the timescale for permission with the original decision PA. Reg Ref 21/377.

4.4. **PA. Reg Ref: 21/377**

Permission was granted on the 23rd September 2021 for the construction of a new 2-storey creche consisting of the following at ground floor level, 1 no. baby room, 1 no. baby sleep room, 2 no. wobbler rooms with associated sleep room, 2 no. toddler rooms, new kitchen and utility room, office, isolation room, lift and associated ancillary areas and at first-floor level 3 no. Pre-Montessori classrooms and 3 no.

Montessori classrooms, new office and staffroom and associated ancillary areas, together with a new entrance and associated boundary treatments, new carparking and set down area, bin store, bicycle store, external soft play, hard play and grass play areas, external lighting and signage together with all associated drainage connection works and all ancillary site works.

4.5. P.A. Reg Ref: 16/476

Permission was granted on the 2nd of November 2016 for modifications to the approved layout under planning permission 08/190 and 13/66 to include relocation of one turning area, changes to house types and omission of 4 houses. This revised layout consists of 9 detached 4-bedroom 2-storey houses with optional sunrooms to the rear, 4 semi-detached 3-bedroom 2-storey houses with optional sunrooms to the rear and 3 x 4-bedroom 2-storey detached corner houses.

4.6. P.A. Ref: 13/500066

Extension of duration granted on the 20th November 2013 for 08/190 for construction of 63 no. two-storey houses comprising 7 no. detached and 56 no. semi-detached houses and associated site works (being a revised and extended scheme to previously approved development - ref: 06/398).

4.7. P.A. Ref: 08/500190

Permission was granted on the 4th August 2008 for the construction of 63 no. two-storey houses comprising 7 no. detached and 56 no. semi-detached houses and associated site works (being a revised and extended scheme to previously approved development ref. ref. 06/398).

4.8. P.A. Ref: 06/500398

Permission was granted on the 18th December 2006 for the construction of 91 two-storey houses comprising 14 no. detached houses, 54 no. semi-detached houses and 23 no. terraced houses and associated site works.

4.9. P.A. Ref: 05/500218

Permission was granted on the 20th December 2005 for the construction of construction of a creche and 71 No. 2-storey houses comprising 5 No. detached, 46 No. semi-detached and 20 No. terraced houses and associated site works.

5.0 Policy Context

5.1. National

5.2. Project Ireland 2040 – National Planning Framework First Revision (April 2025)

National Policy Objective 4

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs (the five cities and their suburbs).

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 20

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 45

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

National Policy Objective 90

Enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including streetscapes, vernacular dwellings and other historic buildings and monuments, through appropriate and sensitive investment and conservation.

5.3. Climate Action Plan (CAP) 2025

Climate Action Plan 2025 builds upon last year's Plan (CAP 2024) by refining and updating the measures and actions required to deliver the carbon budgets and

sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.4. Delivering Homes, Building Communities 2025-2030, An Action Plan on Housing Supply and Targeting Homelessness

Delivering Homes, Building Communities is a wider-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

Pillar 1 focuses on activation the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

Pillar 2 details how Government will support people. It sets out a series of key actions that work towards ending homelessness, support affordability and address the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the plan will address the needs of the most vulnerable in our communities, make buying and renting homes more affordable and support the development of village, towns and cities across the country.

5.5. National Biodiversity Plan 2023-2030

Includes 5 objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protection is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Commission to have regard

5.6. Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 ('Compact Settlement Guidelines')
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2025 ('Apartment Guidelines')
- Design Manual for Urban Roads and Streets (DMURS).
- Guidelines for Planning Authorities issued by the Department of the Environment & Local Government in June 2001
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).

5.7. Waterford City and County Development Plan 2022-2028

Land Use Zoning

- 5.7.1. The overall residential lands are the subject of two Residential Phasing: Residential Phase 1 lands (subject site) apply to the eastern portion and Residential Phase 2 lands to the western portion.
- 5.7.2. The lands along the south of the site, adjoining the Outer Ring Road, area zoned Open Space and Recreation, Preserve and provide for open space and recreational amenities.
- 5.7.3. The site is located within Waterford City on lands zoned **R1 New Residential** with a stated objective '*provide for new residential development in tandem with provision of new social and physical infrastructure*'.

Specific Development Objective on the site

WCD019 Couse Stream: The landscaping and provision of open space for the development of new residential areas shall provide for the following: Incorporating the Couse Stream as a central element in public open space and ensure habitat restoration along the length of the watercourse, c. 2 ha of usable open space and habitat areas to be provided across new housing areas to include enhanced tree planting and permeable active travel routes for cyclists/pedestrians along the boundary with the outer ring road and links between the new housing and existing housing areas.

Core Strategy Policy Objectives

Section 2.1 of Chapter 2 promotes the growth of Waterford City through:

- Enabling Growth
- Compact Growth
- Concentric City

Relevant Policies of the 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.

W City 29: City Suburbs

To retain, protect and improve the environmental qualities of the existing suburban areas; to reinforce their neighbourhood/district commercial centres and to provide for additional community youth and public services, amenities and facilities as required.

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 regard to 'Ireland's Government Road Safety Strategy 2021–2030.

Trans 51: Mobility Management Plans, Traffic and Transport Assessment (TTA) and Road Safety Audits.

We will require 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, to

be carried out by suitably competent persons, in accordance with the 'National Transport Authority the preparation of workforce travel plans a guide for implementers' and TII's Traffic and Transport Assessment Guidelines.

UTL10: Flooding/ SFRA

- To reduce the risk of new development being affected by possible future flooding by: Avoiding development in areas at risk of flooding,
- Where possible, reducing the causes of flooding to and from existing and future development,
- Increase the application of SuDS such as permeable paving, bioretention/infiltration ponds, swales and Natural Water Retention Measures, and the identification of existing areas which may be suitable for temporary storage/overflow of water during heavy storms,
- Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction, and adaptation to the risk; and,
- Ensuring that all proposals for development falling within Flood Zones A or B are consistent with the "The Planning System and Flood Risk Management – Guidelines for Planning Authorities 2009", "Climate Action and Low Carbon Development Act" (2021), and any amendment thereof, and the "Waterford Strategic Flood Risk Assessment" (2021).
- To support the making of Local Area Plan for larger urban centres we will prepare surface water management plans where adequate data exists to support their preparation. Where data is lacking, we will carry out a data review gap analysis and prepare conceptual surface water management plans as an initial step.
- We will support the development of new flood relief schemes by the OPW, in particular those at Aglish, Ballyduff and Dungarvan & Environs while protecting public investment in flood relief schemes.

Housing Polices

H 01: To promote compact urban growth through the consolidation and development of new residential units on infill/ brownfield sites and mews and townhouse developments and support the most efficient use of publicly owned lands for residential and mixed-use developments. This will be achieved through working in collaboration with landowners, the Land Development Agency, The Housing Agency and other statutory and voluntary agencies and by the utilisation of available funding (URDF and RRDF) for plan and nature-based infrastructure led development.

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.

H 17: We will encourage the establishment of attractive, inclusive and sustainable residential communities in existing built up areas and new emerging areas

Childcare

SC 14: We will encourage the provision of childcare facilities in appropriate locations, including residential areas, city/town centres, district and neighbourhood centres, in areas of employment and educational establishments in accordance with national policy and the Department of the Environment, Heritage and Local Government Planning Guidelines on Childcare Facilities Guidelines for Planning Authorities (DoEHLG, 2001) and any other relevant statutory guidelines which may issue during the period of this Plan.

We will require as part of planning applications for new large scale residential, public community, commercial, retail and mixed-use developments that provision be made

for appropriate purpose-built childcare facilities where such facilities are deemed necessary by the Planning Authority and by Coiste Cúram Leanaí Phort Láirge (CCLPL).

Development Management Standards (Volume 2) of the Waterford City & County Development Plan 2022-2028

- Section 3.4.2 refers to General Residential Development Design Standards – Table 3.1 provides the criteria for New Residential Development in Urban Areas. Table 3.2 stipulates the Minimum Private Open Space Requirements for Dwelling Units.
- Section 4.7 refers to Off-street Parking in Residential Areas.
- Section 7.0 provides standards in relation to car and bicycle parking.
- Section 8.6 provides Sightline Requirements - Waterford City & County Council will require that all new developments proposing a new entrance or a significantly intensified existing access point onto the public road network shall comply with the relevant TII Publications/DMURS Guidelines.

5.8. Natural Heritage Designations

- Lower River Suir SAC (Site code 002137): 2.68km to the north
- River Barrow and River Nore SAC (Site Code 002162): 8.11km to the northeast.
- Tramore Dunes and BackStrand SAC (Site Code 000671): 7.15km to the south
- Tramore Back Strand SPA (Site Code 004027): 7.15km to the south
- Mid-Waterford Coast SPA (Site Code 004193): 11.19km to the southwest
- Seas off Wexford SPA (Site Code 004237):12.54km to the south

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by residents of Kill St Lawrence estate. The issues raised in the three submissions are similar and I have grouped these into common themes below:

1. Road Access to the proposed estate.

- The drawings show access onto a busy road which currently serves 184 dwellings.
- An additional exit for 91 dwellings onto a single exit point along the R708 is massive.
- The increase in traffic would be funnelled into the Kill St Lawrence estate, Airport Road causing more traffic and endangering the children's safety, and extreme noise pollution, along the R708.
- The traffic and transport assessments submitted with the planning application indicate there will be a significant impact on the capacity of the surrounding road network and will lead to a significant bottle neck along the Airport Road.
- The Traffic and Transport Guidelines (2014) indicate that an increase of 10% traffic or 200 dwellings are the thresholds needed to require a Traffic Impact Assessment.
- There is road frontage from the site onto the R708 Killure Road (Airport Road) and would impact the estate substantially.
- The R708 is a nationally important route, and policies of the plan clearly indicate same (DM44, section 4.2 and section 8, 8.3 in relation to regional airports, and the Waterford Metropolitan Area Strategic Plan (MASP)).
- The developer had indicated in correspondence there would be preference onto the Outer Ring Road.
- The Traffic Report is completely flawed. There does not appear to be any traffic count recorded in the TTA.

- The developer now plans to make changes to the junction at the R708 as they realise there are concerns for traffic congestion.
- The exit link for phase 1 enters Kill St Lawrence at the green space leading to concerns over the safety of children playing.
- There should be access from the Waterford Ring Road (R710) as per two previous permissions 18716 and 22590.

2. Use of the Kill St Lawrence, Airport Road for any construction traffic

- The construction traffic will have a negative impact on the wellbeing of the residents and the upkeep of the road.

3. Removal of the existing boundary between Kill St Lawrence Airport Road and the proposed estate

- There is no clear boundary as to the current proposals regarding the southern boundary of Kill St Lawrence.
- It appears the boundary will be removed.
- The removal of an existing hedgerow planting along the east and south of Kill St Lawrence estate is a breeding habitat for the common frog and hedgehogs.
- The boundary should be integrated into the overall estate design.
- The proposal is contravening EU and Irish Law by removing the habitats for the common frog and hedgehogs.
- The original landscaping required a treelined boundary of indigenous plants the hedgerow is now to be removed.

4. No provision of a Creche

- The original decision by the Commission, it was noted that no provision of a crèche had been made and there could be no reliance on a third party to provide such facilities.
- There has been no provision made for a creche in any 3 phases of development.
- The proposed new third-party crèche in the neighbouring site has not been built, and the site development notice has been withdrawn.

- ABP previously refused permission for a crèche (ABP 314774-22 (Reg Ref 22/80)).

5. Sustainable Urban Drainage Systems (SuDS)

- There does not appear to have adequately designated ample area to provide sustainable rainwater control measures.

6. Design and Layout

- Chapter 3 of the Residential Development Guidelines requires new developments to enrich the character of areas. The proposed is contemporary and does not complement the red brick of Kill St Lawrence
- The two different designs reinforce the need to retain the boundary treatment between the existing estate and proposed estate.

7. Ownership of the spine road

- The spine road is currently in the ownership of the original developer of Kill St Lawrence estate and has not been taken in charge by Waterford City and County Council. A letter of consent is required.

6.2. Applicant Response

The applicant has responded to the grounds of appeal as summarised below:

6.2.1. Proposed vehicular access to the development

- The applicant proposed a left-hand turning lane into Kill St Lawrence as part of the original application and the Roads Section did not accept this. It was not considered to be suitable for active travel upgrades proposed for the Airport Road.
- A TIA submitted by the applicant concluded that the proposed development, across all three phases, would not give rise to any adverse impacts on the operational capacity of the adjacent road network.
- It is understood if the site was accessed off the R710 (Outer ring road) would have been refused by the PA (see email correspondence in Appendix A).

6.2.2. Removal of the **existing boundary** between Kill St Lawrence and the proposed estate and impact on amphibians.

- The removal of the hedge boundary was undertaken following a recommendation from the WCCC senior planner. It was previously proposed to retain the hedgerow.
- It was noted that the removal of the boundary facilitated the creation of a coherent streetscape in line with the principles of DMURS, contributing to a safer environment for pedestrians and cyclists.
- An ecologist was engaged and the hedgerow boundaries were assessed to be of poor quality and subject to fly tipping. It was advised that the presence of amphibians was unlikely with the exception of the wetland area to the southwest of the site.
- An earlier amphibian survey undertaken as part of the EclA in 2022 confirmed no amphibians on site.

6.2.3. The use of the existing Kill St Lawrence estate entrance by **construction traffic**.

- The existing Kill St Lawrence estate entrance will not be used for construction traffic at any stage. All construction traffic will access the site via the existing access to the south of the Old Tramore Road.
- The developer will liaise with the LA in relation to traffic management and secure a road opening licence where required.

6.2.4. Encroachment **not privately owned** land Kill St Lawrence estate roads

- The applicant liaised with WCCC and it was confirmed that Kill St Lawrence has been taken in charge (see Appendix B for confirmation)

6.2.5. The provision of the **creche**

- The applicant has been engaging with a neighbouring crèche, and the proposal has been designed to include a pedestrian access.
- This crèche will provide 66 pre-Montessori and 66 Montessori spaces.
- The national guidelines require 20 spaces per 75 dwellings which means the proposal needs 25 childcare spaces.

- It is understood the neighbouring crèche will be built and operational for Phase 1 of this development. (Letter submitted).
- The total proposal will require the provision of 77 childcare spaces and although this could be met, it is proposed to include a childcare facility in Phase 2 of this residential development. This will allow an optimum siting and design for the crèche and use of all residents.

6.2.6. Appendix 1: Email correspondence with the Local Authority in relation to historic planning application (Ref 22/80)

6.2.7. Appendix B: List of Housing estates taken in charge by Waterford City and County Council for confirmation

6.2.8. Appendix C; Letter of confirmation from 'Kiddies Kingdom'

It is confirmed that works will begin in 2026 at a crèche facility close to the applicant's site and there is connectivity between the proposed crèche and the applicant's site.

6.3. **Planning Authority Response**

6.3.1. Response received from the PA as summarised below:

- The most appropriate access point has been used for the site/lands at this location.
- The road network has sufficient capacity to cater for the proposed development.
- The PA had regard to the density of the proposal as per the Sustainable Residential and Compact Settlement Guidelines, 2024 and the proposal can overcome previous reason for refusal.
- The site can be serviced.
- The submissions and observations were fully considered and assessed by the PA in line with the relevant national and local policies.
- The PA are satisfied that, in compliance with the conditions attached to the notification of permission the proposal would not seriously impact the visual or residential amenities of the area, unduly negatively impact the ecology of the

area and would be acceptable in terms of the traffic safety and community infrastructure.

6.4. **Observations**

None submitted.

7.0 **Assessment**

7.1. Having considered the contents of the planning application and appeal, the submissions on file, having regard to relevant local planning policy, and having undertaken an inspection of the subject site and surrounding area, I consider that the key issues arising for assessment in this case include:

- Principle of Development
- Traffic and Transportation
- Impact on Residential Amenity
- Impact on Ecology
- Delivery of the crèche

7.2. **Principle of Development**

7.2.1. The proposal development comprises of 91 residential units located to the south of Waterford City, adjoining the Airport Roundabout and Outer Ring Road. The subject is Phase 1 and part of a larger residential parcel as indicated on a Masterplan Map which accompanied the application. The remaining lands, in Phase 2 and 3, are within the ownership of the applicant.

7.2.2. The subject site is on lands zoned as Phase 1 residential (R1) in the Waterford City and County Development Plan (WCCDP) 2022-2028, whereas the remaining residential lands in the applicant's landholding are located on Phase 2 lands. The proposed development adjoins the Airport Road, to the east of the site, Kill St Lawrence housing estate, to the north and the Outer Ring Road to the south.

7.2.3. There is a Specific Development Objective on the applicant's entire land holding (Phase 1, 2 and 3) WCD019 Course Stream, which requires the integration of the

Course Stream into the landscaping proposal to ensure the stream is restored and part of the useable open space of new housing along the boundary with the Outer Ring Road. I note the site layout plan illustrates the lands along the stream, along the south of the site, outside the applicant's control. The open space design has been addressed in the section below, and the Commission will note much of the lands along the south of the site are not within this phase of development.

- 7.2.4. As stated above, the site is to the south of an existing established estate, Kill St Lawrence, and the grounds of appeal are submitted from the residents of this estate, mainly concerned with the access traffic generated, loss of mature boundaries and absence of creche. The appellants do not specifically raise the principle of the development at this location as an issue.
- 7.2.5. Having regard to the location of the site and the land use zoning in the WCCDP, the proposed development is acceptable in principle, subject to compliance with other planning considerations detailed below.

7.3. Design and Layout

- 7.3.1. The proposal includes 91 residential units comprising of:
- 36 no. of two-storey 3 bed semi-detached units,
 - 8 no. of two-storey 4 bed semi-detached units,
 - 5 no. of two-storey 3 bed terrace units,
 - 2 no. of two-storey 2 bed terrace units.
- 7.3.2. The proposal also contained two no four storey apartment blocks contained 20 no apartments per block. Concern was raised by the grounds of appeal in relation to the external design of the dwellings, which they do not consider is in keeping with the character of the existing Kill St Lawrence estate. I have addressed this point below, in addition to the planning history on the site. I note the report of the area planner include an assessment of housing mix, separation distances, private open space etc, which I have noted and consider acceptable.
- 7.3.3. **Density:** The Commission previously refused permission R314774-22 (PA Reg Ref: 22/80) on the site for reasons of insufficient density, just under 30 units per hectare (uph). The proposal as submitted provides a density of 40 uph and includes two

apartment block along the south of the site. The report of the area planner notes the density within the scope of the Residential Guidelines (35-55 uph) and does not raise any concerns. I note the lower density units along the north of the site, close to the existing residential development, which has a similar density. The higher density units are located towards the south, close to the Outer Ring Road. Detention Basin No. 4 has been excluded from the density calculations. The Commission will note one of the proposed apartment blocks, to the rear of an existing single storey dwelling, adjoining Detention Basin No. 4, has been excluded from this phase of development. The report of the area planner notes the design of this block to be agreed at a later stage, and I note the connectivity and services have been made available for the subsequent phase. Having regard to the location of the site, adjoining an established residential estate and along an outer ring road, I consider the density proposal at 40 uph complies with the national and development plan standards and is acceptable for this location.

7.3.4. **Design:** The previous reason for refusal R314774-22 (PA Reg Ref: 22/80) included one reason relating to density and a note from the Commission highlighting inadequate design and layout of the proposed development. Concern was raised by the Commission with regard to the unsatisfactory configuration of parallel roads and cul-de-sacs. Furthermore, notwithstanding that the proposal was stated to be phase 1 of a larger development area, the Commission had concerns as to the extent of development proposed within the current application which provide for parts of open spaces and parts of terrace of dwelling units. However, given the substantive reason for refusal it was decided not to pursue these matters in the current application. I note the design as submitted and before the Commission has been substantially amended. The proposal does not include any cul-de-sac proposals, has now integrated apartment blocks within the south of the site and the public open space is located throughout the proposal, further detailed below.

7.3.5. **External Materials:** The grounds of appeal consider the external materials should match the red brick finishes like the adjoining residential estate, Kill St Lawrence. The proposal, including a mix of Knapp plaster, neutral toned brick, slate roof and select colour aluminium windows. Whilst these external materials are not the same as the adjoining residential estate, they have distinct modern finish which will provide an independent character to the proposed development. In my opinion, the use of

these external materials will not have a detrimental impact on the visual amenity of the adjoining estate, or surrounding area.

- 7.3.6. **Open Space:** Table 3.1 of the Development Management Standards (Volume 2) of the Waterford City & County Development Plan 2022-2028 indicates that public open space should be provided at a minimum rate of 15% of total site area. Allowance for a reduction in this quantum is allowed where there are increased heights and densities such as those sites identified for regeneration in Waterford City Centre in Table 3.2 of Volume 1. I note the regeneration maps within the development plan and can confirm the site is not within any of the areas identified. Table 3.1 also states that all residential schemes must provide a minimum public open space as indicated in the Section 28 Guidelines 'Sustainable Residential Development in Urban Areas' (2009). Section 4.20 of these guidelines require 15% for greenfield sites.
- 7.3.7. The applicants planning report states that the proposal includes 12% of the site area for the development. The report of the area planner notes this is above the 10% requirements in Policy and Objective 5.1 of the Compact Settlement Guidelines 2024 and is therefore acceptable. The grounds of appeal have not raised the quantum or quality of the open space provision within the proposed development.
- 7.3.8. Whilst the quantum of open space has not been raised by the appellants, the Commission will note the landscaping design and boundary treatment has been raised as an issue. The report of the area planner confirms the open space complies with the 2024 Compact settlement guidelines. The Commission will note these are not the same standard as those required to be complied with in the development plan, as detailed above. The quantum of open space provision, at 12%, is not in compliance with the development plan standards or the 2009 Residential Guidelines and would therefore, in my opinion, be a contravention of the development plan. Having regard to the overall design and the location of this proposal as part of an overall master planned area, I do not consider the contravention material.
- 7.3.9. The public open space will be provided Phase 1 in the form of 3 detention basins, one along the Airport Road at the entrance and two in the central area. There are smaller pockets of public open space to accommodate tree pits etc. I note Detention basin No.4, located to the south, has been excluded from the density calculations

and the landscaping plan does not highlight this area as public open space. I have therefore concluded that detention basin no. 4 is included in the site layout plan for the SuDS calculations. I consider in the event of a grant of permission, the Commission could condition the integration of the Detention basin No 4 for use as public open space, if necessary. This would ensure compliance with the development plan standards.

7.3.10. No formal play areas are provided, and I note no requirements in the development plan for such facilities. The design of the detention basins was amended following an FI and CFI request to lower the levels to accommodate surface water storage in times of storm surge and to ensure the amenity values of the open space areas where retained. Following the submission this additional information the environment section of the council was satisfied with the proposal. I note no policies in the development plan precluding the use of open space areas to accommodate SuDS features and having regard to the applicant's confirmation the detention basins are only for extreme events, I am satisfied that these are useable public open space areas.

7.3.11. In relation to the boundary treatments, I note the PA conditions request further details, which I reasonable. The boundary treatment of detention basin no.4, located along the south of the site, should be addressed with attention to the interface with the Outer Ring Road, albeit its inclusion in Phase 2. The boundary drawings indicate the temporary use of palisade fencing along the south of the site. In the event the Commission consider the permission should be granted, I consider the applicant should be required to submit appropriate boundary details for the final design including confirmation that pedestrian and cycle access though this fencing will remain as per the masterplan connectivity. Any boundary treatment should not preclude the future integration of a green corridor along the Outer Ring Road and development of this site for residential. The Masterplan indicates that compliance with the specific development objective will be within Phase 3 although I consider this boundary treatment is also important to comply with WCD019 Course Stream. I note the applicant includes pedestrian and cycle access onto the Outer Ring Road with a temporary fencing.

7.3.12. **Conclusion:** Having regard to the inclusion of this site as phase1, part of a wider development site, the mix of dwelling types and the location of the apartments along

the southern Ring Road, I consider the density proposed and the design and layout acceptable. Conditions on any grant of permission should ensure the public open space along the south (detention basins No 4) and the pedestrian and cycle connectivity is adequately integrated with the green corridor along the public road/footpath.

7.4. Traffic and Transport

- 7.4.1. Access into the site via an existing access to the Kill St Lawrence residential estate. It is proposed to upgrade the existing entrance and provide a new entrance into the subject site. The appellants, residents of Kill St Lawrence, have raised concerns over the capacity of the junction to accommodate both this phase and subsequent phase 2 and 3, the impact on the traffic for the existing residents.
- 7.4.2. A Traffic and Transport Impact Assessment (TTA), including a Quality Audit and Stage 1/2 Road Safety Audit, was submitted as part of a FI request. The applicant also submitted drawings relating to the swept path analysis.
- 7.4.3. I note the TTA uses a UK traffic modelling program PICADY10 to assess the road link and junction capacity and is based on the following:
- Assessment of the projected traffic conditions on the road network in the vicinity of the proposed development site.
 - Assessment of trip generation associated with previously permitted developments.
 - Assessment of the trip rates associated with the proposed residential development.
 - Proposed Site Access arrangements.
 - Capacity of Proposed Site Access.
 - Compliance with the Design Manual for Urban Roads and Streets Statement.
 - Waterford Council Cycle Proposals.
 - Quality Audit including Stage 1/2 Road Safety Audit.

- 7.4.4. The TTA was updated under CFI to consider all phases of the proposal (i.e. phase 2 & 3). It is predicted there would be an additional 96 dwellings for Phase 2 and 99 for phase 3.
- 7.4.5. The TTA assumes the proposed development would be complete by 2028 with a future design year of 2043 (15 years post completion). The extent of trip generation associated with Phase 1 is based on 15 arrivals at AM peak and 40 departures and 34 arrivals at PM peak and 22 departures. These figures will more than double when including Phase 2 and 3. Using the PICADY10 model the results of the TTA indicate that during AM and PM peak hours the junction at Kill St Lawrence with the R708 operates with a reserve capacity of 80% during these critical peak times.
- 7.4.6. The TTA notes the road hierarchy in the vicinity of the site, the bus route along the Airport Road and the layout of the junction. A traffic survey was undertaken on the 13th and 14th of May 2025 during AM and PM, both at the junction and the roundabout to the south of the site with the Outer Ring Road. All traffic generated by the existing 180 units in the Kill St Lawrence estate were also considered.
- 7.4.7. The TTA indicates DMURS compliance throughout the proposal and further compliance with the findings of the Road Safety Audit, undertaken by independent consultants. Issues raised in the audit are summarised below:
- Road Markings or traffic signs at the junction between Kill St Lawrence road and the access to 'The Court'
 - Upgrades to the junction with the R708 to ensure sufficient facilities for pedestrians and cyclists;
 - The use of road traffic signs to indicate junction priority at internal junctions;
 - Swept path analysis to ensure the safe movement of all vehicles;
 - Visibility splays at priority junctions possibly constructed by landscaping;
 - Adequate intervisibility at pedestrian crossings;
 - Paving and kerb types and extents detailed;
 - The heights of the proposed speed tables indicated;
 - Dropped kerbs and paving detailed;

- Parking facilities to apartment No 1 adequate space for turning;
- Length of the north-south road is raised without a crossing section;
- Widths of footpaths throughout the development;
- Pedestrian crossings without any tactile paving;
- Grassed areas sound carparking may lead to slips;
- No details of cyclist approach on the eastern side of the R708;
- Bicycle parking throughout the site;
- Designated parking for wheelchair users;
- Charging points for electric vehicles.

7.4.8. The report of the Roads Section was satisfied with the information contained in the TTA as updated by CFI. I note the PA included Condition No. 3 which requires the full details of the final design of the junction of Kill St Lawrence Road (L-991132-0) and the Airport Road (R708) to take into account the Active Travel Section of the council. Also Condition No 4 requires the submission of a Stage 3 Final Road Safety Audit.

7.4.9. I note Objective Trans 51 of the WCCDP requires the submission of Mobility Management Plans, Traffic and Transport Assessment (TTA) and Road Safety Audits. Having regard to the information submitted with the TTA and the accompanying audits I am satisfied the junction has capacity to accommodate the proposed development. I note these works listed in the Road Safety Audit Stage 1 / 2, and I am satisfied conditions can successfully address the requirements outlined and confirmed by the submission of a Final Safety Audit.

7.4.10. **Outer Ring Road access:** The grounds of appeal consider the primacy of the Airport Road should be retained and alternative access into the site should be via the Outer Ring Road. The Commission will note that The Outer Ring Road is a regional route with restricted access. Section 5.10 of the WCCDP indicates that unnecessary new access will be allowed from regional road, where access is available along local roads and regard is to be given to the Spatial Planning and National Roads Planning Guidelines 2012. Transport Infrastructure Ireland made a submission to the PA referring to Chapter 3 of the DoECLG Spatial Planning and National Roads

Guidelines which relates to the development management and roads. I note the information included in the TTA which provides evidence that the junction can accommodate the additional traffic, and whilst the grounds of appeal prefer an alternative route, they do not provide any specifically evidence to suggest the TTA is not based on robust analysis.

- 7.4.11. **Junction Layout:** The grounds of appeal do not consider the design of the junction is sufficient to ensure the safe movement of traffic into and out of the site. As stated above, the traffic modelling and safety audit submitted with the FI, indicates the site can accommodate both this phase and subsequent phases of development. The Traffic Section of the PA are satisfied subject to the integration of pedestrian and cycle facilities along the Airport Road, connecting to the existing facilities, which I consider reasonable.
- 7.4.12. **Airport:** The grounds of appeal also reference policies and objectives of the development plan which require the protection of the Airport. I note Waterford Regional Airport south of the junction with the Outer Ring Road and not within the immediate vicinity of the site. Access into the site, via the Airport (Killure) Road will not have a significant negative impact on the movement of traffic or cause a traffic hazard. It is my opinion that the proposal will have no significant negative impact on Waterford Airport.
- 7.4.13. **Impact on the Residential Amenity:** Concern is raised in the grounds of appeal with regard the movement of construction traffic, the impact on the current residents in Kill St Lawrence and the impact on the open space lands within the existing residential estate. The residents are concerned that the adjoining movement of transport, in conjunction with the removal of the current mature boundary treatment will have a negative impact on the wellbeing of the residents. Upon site inspection I noted that these existing areas of open space are located beside an internal spine road, providing access to the wider Kill St Lawrence estate. In the first instance it should be noted that there would currently be an element of traffic movement beside these open space areas. In addition to this, the Commission will note access into the site beside the existing entrance to the Kill St Lawrence estate, away from the larger open space areas of Kill St Lawrence. Traffic calming measures are integrated into the junction design along with DMURS and home zone layout within the proposed estate. These measures will mitigate against any traffic hazards. Extensive

landscaping has been integrated along the spine road with planting and pedestrian access throughout the design. The Commission will note that this can be conditioned for those elements within the site layout for this proposal, phase 1, and could be effectively dealt with by the PA in subsequent phases, when necessary.

- 7.4.14. The grounds of appeal are also concerned the construction traffic will have a negative impact on the amenity of the existing residents in the Kill St Lawrence estate. As stated above, entrance into the site is close to the junction onto the Airport Road. The applicant has submitted a Construction Environmental Management Plan (CEMP) which indicates management of waste etc on the site. I consider additional conditions relating to the hours of construction activities and the use of wheel wash facilities etc, can ensure that the amenities of residents is not significantly impacted. I consider any impact on noise, air pollution dust etc will be short term and can be effectively managed by appropriate conditions.
- 7.4.15. Therefore, having regard to the current location of the open space areas, the design and layout of the proposed development and nature and scale of the proposed development, I do not consider the proposed development would have any significant negative impact on residential amenity of the residents of Kill St Lawrence residential estate.
- 7.4.16. **Legal Ownership of the access route:** The appellants have raised concern that the current entrance into Kill St Lawrence is still in the ownership of the original builder, and the applicant has not submitted any letter of consent for works at this entrance. As part of the response to the grounds of appeal, the applicant has submitted a list of Housing estates taken in charge by Waterford City and County Council for confirmation. I note Kill St Lawrence has been included on this list as adopted by the Council on the 13/01/2023. This aside, I note that section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Furthermore, Section 34(13) of the Planning and Development Act 2000, (as amended), states that a person shall not be entitled solely by reason of a permission to carry out any development.

7.4.17. Therefore, I consider that the disputes between the parties in relation to land ownership or rights of way are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process.

7.5. Provision of a childcare facility

7.5.1. The proposed development does not include any childcare facility. The applicant relies on a planning permission (Reg Ref: 21/377 and additional works permitted under Reg Ref 24/61) for a purpose-built childcare facility adjoining the site, to the east, owned by a separate landowner. The appellants consider the reliance on this third-party crèche facility is not acceptable and it is noted there is no provision for a creche in any of the other three phases. The grounds of appeal refer to a previous decision made by the Commission (PL93.314774) in which the construction of 99 dwellings was refused. In relation to this quoted planning precedent, I note the wording of the Board direction and reason for refusal refers on the reliance on future development to comply with minimum residential density provisions, and not the provision of a creche, as asserted in the grounds of appeal.

7.5.2. Volume 2, Section 5.17 of the Waterford CCDP 2022-2028 sets out the development management requirements relating to childcare facilities. These are in line with the national childcare standards in the Section 28 'Childcare Facilities Guidelines for Planning Authorities (2001)'. Objective SC 14 of Volume 1 of the development plan also reinforces the need for childcare provision in line with these national guidelines. As a rule, a minimum of 20 childcare spaces must be provided for every 75 residential units. The proposed development for 91 residential units would require the provision of a childcare facility of c.25 spaces.

7.5.3. The applicant's Planning Report, submitted within the application, includes a Social Infrastructure Audit which notes the location of three crèche facilities within a 2km radius of the site and the permission for a large childcare facility (Reg Ref 24/61 as referred in the applicant's documentation). No capacity calculations for any of these childcare facilities accompanied this audit and there is no evidence in the applicant's documentation to indicate if the site can be served by an operating creche. I note the applicant has incorrectly referenced an application for an extension to the parent permission in the audit (Reg Ref 24/61), rather than the parent permission (PA. Reg Ref: 21/377).

- 7.5.4. I note that permission granted for a new creche (PA. Reg Ref: 21/377) on an adjoining site to the east, along the Killure Road. The extension permission referenced above (Reg Ref 24/61) included a condition linking the extension to the main permission. The applicant submitted a letter, in response to the grounds of appeal, from the owner of the site, including confirmation that works should begin in 2026 and there is a gated access to the rear of the site to allow parents to drop off kids. The applicant's submission to the grounds of appeal also indicates intention to provide a crèche facility within subsequent phases of the residential development.
- 7.5.5. The Commission will note the decision date for this creche proposed to the east of the site was 23/09/2021. The time remaining to implement this permission is limited (September 2026) although I note the letter submitted from the owner indicates an intention to begin works in the coming months. No works had started upon my site inspection and there was no evidence of any construction activity, site clearance etc.
- 7.5.6. As stated above, the delivery of a childcare facility for a residential estate of 91 units is required under national guidelines, as reinforced in Policy Objective SC 14 and Volume 2 of the Waterford City and County Development Plan 2022-2028. I acknowledge that the provision of a large purpose built creche, serving the site and wider area would be ideal, although I have concerns that this will not be advanced to serve the future occupants of the site. The Commission will also note the site is outside the control of the applicant and therefore a condition on any grant of permission, linking the occupancy of the residential units and the delivery of the crèche facility, thereby ensuring the delivery of the crèche in tandem with the proposed development, would not be appropriate. Whilst I acknowledge that Policy Objective SC 14 provides some discretion for the PA to deem the provision of childcare facilities necessary as stated in the second paragraph of the policy *'We will require as part of planning applications for new large scale residential, public community, commercial, retail and mixed-use developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the Planning Authority and by Coiste Cúram Leanaí Phort Láirge (CCLPL)'*, I would highlight that the PA accepted the delivery of the permitted creche as compliance with national policy. As noted above, I have concerns in relation to the delivery of this facility, therefore I do not consider the proposal can comply with the

national or development plan standards. For this reason, I consider the proposed development should be refused permission.

7.6. Impact on Ecology

- 7.6.1. The proposal includes the removal of tree/ hedgerow boundary along the north, adjoining Kill St Lawrence housing estate, along the east and south adjoining the regional roads and throughout the field boundaries in the site. The grounds of appeal are concerned with the ecological impact of this boundary removal particularly on the common frog and hedgehogs (protected under EU and Irish Law). They consider the existing boundary should be retained and integrated into the overall design of the estate.
- 7.6.2. Section 4.0 of the applicants EclA includes the results of a site survey, undertaken by a qualified ecologist. In relation to the hedgerows and trees it notes poor quality species with gaps in the field boundaries. The boundary with Kill St Lawrence includes Ivy and Soft shield fern. Whilst no bat surveys of the trees are included in the EclA, the report notes the potential for bats to use treelines for foraging. Mitigation measures integrated into the proposal include restriction on hedgerow/ tree removal in line with the requirements of the Wildlife act (outside breeding bird periods 01st of September to 28th of February) and during bat hibernation period (01st of November to 01st of May).
- 7.6.3. I note the information included in the EclA, which I consider reasonable. I am satisfied there are no species of significant value which should be retained during construction or integrated to the development. The mitigation measures included are reasonable to prevent any negative impact on species. In relation to the appellants assertion the Common Frog and Hedgerow have European and national protection, the Commission will note my assessment under the WFD (Appendix 3 AND Appropriate Assessment Appendix 4) and will be aware that I have undertaken a detailed assessment of the impact on the water quality, drainage channel along the south of the site, the hydrological connection to the Kilbarry Bog, a proposed National Heritage Area and therefore the Lower River Suir SAC. I am satisfied that the proposal will have no negative impact on the ground or surface water quality, habitats for the Common Frog.

- 7.6.4. The applicant has submitted a landscape plan for the site. This is addressed in detail above although the Commission will note my opinion about the detail submitted and the recommendation for a condition requiring additional landscaping plans. Overall, I am satisfied the applicant can mitigate any tree/ hedge removal by way of a planting scheme.
- 7.6.5. Having regard to the documentation in the application and the significance of the existing treeline/ hedgerow to be removed throughout the site and the requirement for landscaping on the site, I consider the proposal would not cause a significant negative impact on the ecological value of the site or adjoining site.

8.0 EIA Screening

- 8.1. The proposed development is for 91 residential units, located on a greenfield site to the south of Waterford City. The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.
- 8.2. The application was not accompanied by an EIA Screening report although an Ecological Impact Assessment (EclA) and a Natura Impact Statement (NIS) was submitted. The report of the PA notes the proposal is not for a type of development included under Schedule 5 of the Planning and Development Regulations 2001, as amended, although I am unsure if this reference is a typo as it states, 'is for not a type'. The report also goes on to reference Schedule 7 to the 2001 Regulations and concludes that an EIA is not required and notes the site as part of a wider landholding in the developer's ownership.
- 8.3. As referenced in Appendix 1 and 2 below, I consider the proposal is a type of development included under Schedule 5 of the Planning and Development Regulations 2001. I have considered the information in the EclA and 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.
- 8.4. 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.

8.5. Screening Conclusion:

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,

(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. Screening Report for Appropriate Assessment was 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.

8.6. I have 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.

9.0 **Water Framework Directive**

9.1. The subject site is located to the south of Waterford City in the Suir Catchment Area and ST JOHN'S_0020 WFD River Sub Basin (IE_SE_16S030600) (EPA Water maps [EPA Maps](#).) St John's River has poor status and is at risk of not achieving good status in the next WFD cycle. The site is on the Waterford Ground waterbody (IE_SE_G_149) which is classified as Not at Risk.

- 9.2. The proposed development comprises of 91 residential units, carparking and all associated works, as part of Phase 1 of a wider residential scheme. No water deterioration concerns were raised in the planning appeal.
- 9.3. The applicant's documentation notes the water quality of St John's River and Kilbarry Bog pNHA. as per the 2024 River Suir Catchment Summary (EPA, 2024), the current status of the St John's River is 'poor' with the risks to water quality being nutrients and organic matter resulting from urban runoff and agriculture (EPA, 2024). However, the water quality of the River Suir within the city is of 'moderate' status but is at risk of reduced oxygenation, nutrients and organic matter, also resulting from agriculture (EPA, 2024). The environmental objective of the Water Framework Directive (WFD) is to achieve 'good' water quality status and therefore as a result both watercourses (River Suir and St John's River) are not meeting the WFD targets.
- 9.4. I note the mitigation measures integrated into the overall development, both during construction and operational and I am satisfied that the proposal would not lead to any deterioration of the water quality of St John's River. See Appendix 3 and Appendix 4 whereas I have detailed the use of SuDS and mitigation measures to prevent any deteriorations of surface waters.
- 9.5. I have assessed the proposed development 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 to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.6. The reason for this conclusion is as follows:
- Scale and Nature of the works;
 - The location from the site within an urban setting;
 - Taking into account WFD screening information in the applicant's documentation, my own screening assessment in Appendix 3 below and the

determination by Planning Authority which concluded the proposal would not give rise to a significant effect for objectives under WFD.

Conclusion

9.7. 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.

10.0 Appropriate Assessment

10.1.1. Stage 1: Screening

10.1.2. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information provided by the applicant, I conclude that the proposed development alone is likely to have a significant effect on the qualifying interests of Lower River Suir SAC (Site Code: 002137) on foot of potential pollution events during construction, resulting in water quality deterioration, disturbance of qualifying interests during construction / operation and on foot of operational impacts due to human activity on the lake. In addition, I conclude the proposed development would have no likely effects on any other European Sites (see Appendix 4)

As such, I consider that this matter requires further detailed assessment under a Stage 2 Appropriate Assessment. I note that this conclusion reflects that of the applicant's AA screening report. See Appendix 4 below.

10.1.3. Stage 2: Appropriate Assessment: Conclusion

10.1.4. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Poulaphouca Reservoir SPA in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

10.1.5. Following an examination, analysis and evaluation of the NIS and all associated material submitted, including the grounds of appeal related to nature conservation, the additional information contained in the applicant's revised NIS, I consider that

adverse effects on site integrity of 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.

10.1.6. My conclusion is based on the following:

- A detailed assessment of construction and operational impacts.
- The effectiveness of the mitigation measures proposed and the adoption of an approved CEMP in consultation with the Planning Authority,
- The application of planning conditions to ensure the appropriate management and monitoring of the stormwater and foul effluent site drainage infrastructure and the implementation of all identified mitigation measures.

10.1.7. See Appendix 4 of this report for details of Appropriate Assessment undertaken

11.0 Recommendation

11.1. It is recommended that permission is REFUSED for the reasons and considerations below.

12.0 Reasons and Considerations

It is considered that the absence a childcare facility to serve the proposed development of 91 residential units and the reliance on the future delivery of a childcare facility, outside the control of the applicant, the proposed development does not comply with national policy on Childcare Facilities, as set out in the Guidelines for Planning Authorities issued by the Department of the Environment & Local Government in June 2001, and as such would be contrary to Policy Objective SC 14 and Volume 2, Section 5.17 of the Waterford CCDP 2022-2028, which requires childcare facilities as part of new large scale residential developments in accordance with national policy and the Department of the Environment, Heritage and Local Government Planning Guidelines on Childcare Facilities Guidelines for Planning Authorities (DoEHLG, 2001). The absence of any childcare provision would be detrimental to the amenities of future residents and, thereby, would 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.

Karen Hamilton

16th of April 2026

13.0 Appendix 1 - Form 1: EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500554-WD-26		
Proposed Development Summary	91 units and associated works		
Development Address	Killure Road, Kilcohan, County 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	√	
	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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes		S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes	√	Ecological Impact Assessment Screening Determination required

Inspector: _____ **Date:** _____

14.0 Appendix 2 – Form 3 – EIA Screening Determination

A. CASE DETAILS			
An Coimisiún Pleanála Case Reference	PL-500554-WD-26		
Development Summary	The construction of 91 residential units and all associated works		
	Yes / No / N/A	Comment (if relevant)	
1. Was a Screening Determination carried out by the PA?	No	The PA reference is unclear, see section 8.0 above in the main body of the document.	
2. Has Schedule 7A information been submitted?	Yes	An Ecological Impact Assessment (EclA) has been submitted which describes the receiving environment, the characteristics of the proposed development and the impact on ecology of the site.	
3. Has an AA screening report or NIS been submitted?	Yes	A Natura Impact Statement has 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	N/A	
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	N/A	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?

		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Yes/ No/ Uncertain
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 located to the south of Waterford City, on a greenfield site which abuts the Outer Ring Road. The site is a greenfield site, with no distinguishing features other than mature trees and hedgerows throughout.	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 with a stated objective <i>'provide for new residential development in tandem with provision of new social and physical infrastructure'</i> as per the Waterford City and County Development Plan 2022 – 2028, that applies to these lands.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially	Yes	Construction materials will be typical for the type of development proposed.	No

resources which are non-renewable or in short supply?		The loss of natural resources as a result of the development of the site is not regarded as significant in nature.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Some potentially contaminating materials used during construction impacts may be local and temporary in nature and with the implementation of standard measures outlined in Construction Environmental Management Plan (CEMP) would satisfactorily mitigate the potential impacts on any watercourse.	No
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 CEMP 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 CEMP.	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 and the application of standard measures within a CEMP would satisfactorily address potential risks on human health.	No
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 will 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:	No	The site is 2.25ha in size and fronts onto the Airport Road, to the east and the Outer Ring Road, to the south. To the west there is residential land also in the ownership of the	No

<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 		<p>applicant. There is drainage ditch along the south of the site, adjoining the Outer Ring Road, which flows into St Johns River, Kilbarry Bog p NHA, and eventually north to the Lower River Suir SAC. Standard mitigation measures, integrated into the proposed development will prevent any impact on water quality and these have been detailed in the Stage 2 AA report. My AA assessment concludes no adverse effects on any European Site and it can be definitely concluded that Kilbarry Bog will not be impacted by the proposal.</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 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.</p>	
<p>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?</p>	<p>No</p>	<p>No European sites located on or adjacent to the site.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>An Archaeological Impact Assessment Report submitted as part of a further information request</p>	<p>No</p>

		assessed the impact on archology and concludes none of significance.	
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 located on lands subject to flooding therefore, a flood risk assessment is not required. 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.	No
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(eg 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	The site will be accessed from the Airport Road a local road also serving an existing residential development. The application was accompanied by a TTA and A Road Safety Stage 1 and 2. The applicant has confirmed they can comply with all the recommendations in the RSA and the PA included conditions requiring the submission of a Final RSA and integration of works along the	No

		Airport Rad in line with the Active Travel Section of Waterford Council, all of which I consider reasonable. Notwithstanding, construction traffic may impact on the area, however this will be short term and will be managed via a Construction Environmental 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.	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			

EIAR not 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,
 - (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. Natura Impact Statement 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 16th of April 2026

Approved (ADP) _____

Date

15.0 Appendix 3- WFD Screening

Appendix D: WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500554-WD-26	Townland, address	Killure Road, Kilcohan, Co Waterford
Description of project		The construction of 91 residential units and associated works.	
Brief site description, relevant to WFD Screening,		<p>The site is greenfield and surrounded by mature trees and hedgerows.</p> <p>The residential zoned site has been developed on a phased basis over the years. The subject site represents an expansion of suburban Waterford, reaching the south along the Outer Ring Road.</p> <p>There is a drainage ditch running along the south of the site, adjoining the Outer Ring Road.</p> <p>The closest watercourse is St John's River, c 735m to the west of the site, which connects into the Kilbarry Bog p NHA.</p>	

Proposed surface water details		<p>The surface water system integrates 4 detention basins, permeable surfaces and petrol interceptors in the tree pits. A berm and geotextile paving along the berm is proposed to prevent any polluted run-off during construction.</p> <p>A Services Engineer Report was submitted with the application and drawings have been upgraded following a FI request. Storm Water attenuation design is in keeping with the Great Dublin Strategic Drainage Study. Detention Basins will be dry and only store water in extreme storm events. The storm drainage will discharge to St John's River with a petrol interceptor installed before the final discharge point.</p>				
Proposed water supply source & available capacity		<p>Confirmation of Feasibility (COF) has been issued to the applicant advising that (water/ wastewater) connections are feasible</p> <p>A standard UE condition is recommended to be attached with reference to their standard code of practice and the build over assets.</p>				
Proposed wastewater treatment system & available capacity, other issues		<p>As above, water and wastewater are feasible without upgrade.</p>				
Others?		<p>N/A</p>				
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	500m – 1km – to the west of the site.	ST JOHN'S_020	Poor	At Risk	Urban waste water	Surface water run off and wastewater	
Groundwater body	Underlying site	Waterford Ground waterbody (IE_SE_G_149)	Good	Not 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	Via a drainage channel from the site	Water Pollution - Deterioration of surface water quality from	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.

				pollution of surface water run-off during site construction			
2.	Site clearance & Construction	Waterford Ground waterbody (IE_SE_G_149)	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.
OPERATIONAL PHASE							
1.	Surface Water Run-off	ST JOHN'S_020	As above, the surface water discharges directly to St John's River	Increase negative impact	Several SuDS features incorporated into proposal	No	Screened out at this stage.
2.	Ground Water	Waterford Ground waterbody (IE_SE_G_149)	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

16.0 Appendix 4 –Screening and Stage 2 Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics <p>The site comprises of a greenfield site located to the south of Waterford City, south of a residential estate and north of the Outer Rind Road. This proposed development is Phase 1 of a larger residential parcel, and a masterplan drawing accompanied by the application documentation.</p>	
Brief description of project	<p>The proposal will accommodate the 91No. dwelling units comprising of 36No. two-storey 3 bed semi-detached units, 8No. two-storey 4 bed semi-detached units, 5No. two-storey 3 bed terrace units, 2No. two-storey 2 bed terrace units and 2No. four-storey apartment blocks, containing 20No. apartments per block, each block comprising of 4No. 1 bed apartments, 13No. 2 bed apartments and 3 No. 3 bed apartments with associated bin & bike storage, carparking and site landscaping, together with all associated site development works, new vehicular entrance to site from Kill St. Lawrence Road (L91132) and upgrading of existing vehicular junction onto Killure Road (R708).</p>
Brief description of development site characteristics and potential impact mechanisms	<p>[include size, scale, land take, proximity to European site, duration of works, measures integral to design – any key issues, e.g. emissions, disturbance,]</p> <p>The site is 2.25ha in size and fronts onto the Airport Road, to the east and the Outer Ring Road, to the south. To the west there is residential land also in the ownership of the applicant. There is drainage ditch along the south of the site, adjoining the Outer Ring Road, which flows into St Johns River, Kilbarry Bog p NHA, and eventually north to the Lower River Suir SAC.</p>
Screening report	<p>Yes</p>

Natura Impact Statement	Yes			
Relevant submissions	No			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
Sites within zone of influence of project as included in the applicants Screening Determination.				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
002137 – Lower River Suir SAC	Lower River Suir SAC National Parks & Wildlife Service Conservation Objectives further detailed below	2.68km to the north	Yes, drainage ditch along the south of the site, into St John's River, a tributary of the Lower River Suir SAC.	Yes
002162 – River Barrow and River Nore SAC	River Barrow and River Nore SAC National Parks & Wildlife Service Conservation Objectives further detailed below	8.11km to the northeast.	Yes, drainage ditch along the south of the site, into St John's River, a tributary of the Lower River Suir SAC, which flows eventually into the River Barrow and River Nore SAC.	Yes
000671- Tramore Dunes and BackStrand SAC	Tramore Dunes and Backstrand SAC National Parks & Wildlife Service Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]	7.15km to the south	No hydrological connectivity and sufficient geographical separation for any potential pathway.	No

	<p>Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>			
<p>004027- Tramore Back Strand SPA</p>	<p>Tramore Back Strand SPA National Parks & Wildlife Service</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142]</p>	<p>7.15km to the south</p>	<p>No hydrological connectivity and sufficient geographical separation for any potential pathway.</p>	<p>No.</p>

	<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Wetland and Waterbirds [A999]</p>			
004193- Mid-Waterford Coast SPA	<p>Mid-Waterford Coast SPA National Parks & Wildlife Service</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Chough (<i>Pyrhacorax pyrrhacorax</i>) [A346]</p>	11.19km to the southwest	No hydrological connectivity and sufficient geographical separation for any potential pathway.	No
004237- Seas off Wexford SPA	<p>Seas off Wexford SPA National Parks & Wildlife Service</p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p>	12.54km to the south	No hydrological connectivity and sufficient geographical separation for any potential pathway.	No

	<p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Gannet (<i>Morus bassanus</i>) [A016] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Mediterranean Gull (<i>Larus melanocephalus</i>) [A176] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863]</p>			
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	Little Tern (<i>Sternula albifrons</i>) [A885]			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lower River Suir SAC (Site code: 002137) Qualifying Interest: <ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] 	Direct: None Indirect: <ul style="list-style-type: none"> • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased 	The subject lands are not located within or directly adjacent to any European Site. There can be no loss of habitat inside any SAC arising from this project due to the separation distance. Only indirect impacts are therefore possible.

<ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Taxus baccata woods of the British Isles [91J0] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Alosa fallax fallax (Twait Shad) [1103] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 	<p>sedimentation and construction related pollution.</p> <ul style="list-style-type: none"> • Impacts on water quality from surface water discharge. 	<p><u>Water Quality:</u></p> <p>There is a pathway from the development site via a drainage ditch which runs along the south of the site into St John's River, a tributary of the Lower River Suir SAC.</p> <p>The proposed new homes will increase the quantity of wastewater to be generated however there is sufficient capacity in the Waterford wastewater treatment plant.</p> <p>Attenuation measures have been incorporated into the design of the surface water drainage system in the form of detention basins and raingardens. The Screening assessment has identified a source pathway to the Lower River Suir SAC, via the drainage ditch and St John's River.</p> <p>Mitigation measures are used to ensure no significant effects to European sites are likely to arise from runoff.</p> <p><u>Habitat Loss:</u></p> <p>The construction zone of the development site is too far from any European site to result in any loss of habitat. No significant effects to European sites are likely to arise from habitat loss</p> <p><u>Habitat Disturbance:</u></p> <p>Aside from the impact on the water quality of the SAC, as detailed above, due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting).</p>
<p>Likelihood of significant effects from proposed development (alone): Yes</p>		

	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*:</p> <p>Yes, in the absence of mitigation measures.</p>	
	Impacts	Effects
<p>Site 2:</p> <p>River Barrow and River Nore SAC (002162)</p> <p>Qualifying Interest:</p> <ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Reefs [1170] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] 	<p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge. 	<p>The subject lands are not located within or directly adjacent to any European Site. There can be no loss of habitat inside any SAC arising from this project due to the separation distance. Only indirect impacts are therefore possible.</p> <p><u>Water Quality:</u> There is a pathway from the development site via a drainage ditch which runs along the south of the site into St John's River, a tributary of the Lower River Suir SAC, which eventually leads into the River Barrow and River Nore SAC.</p> <p>The proposed new homes will increase the quantity of wastewater to be generated however there is sufficient capacity in the Waterford wastewater treatment plant.</p> <p>Attenuation measures have been incorporated into the design of the surface water drainage system in the form of detention basins and raingardens. The Screening assessment has identified a source pathway to the Lower River Suir SAC, via the drainage ditch and St John's River.</p>

<ul style="list-style-type: none"> • European dry heaths [4030] • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] • Petrifying springs with tufa formation (Cratoneurion) [7220] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Alosa fallax fallax (Twaite Shad) [1103] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] • Vandenboschia speciosa (Killarney Fern) [6985] 		<p>Mitigation measures are used to ensure no significant effects to European sites are likely to arise from runoff.</p> <p><u>Habitat Loss:</u> The construction zone of the development site is too far from any European site to result in any loss of habitat. No significant effects to European sites are likely to arise from habitat loss</p> <p><u>Habitat Disturbance:</u> Aside from the impact on the water quality of the SAC, as detailed above, due to the separation distance between the development site and European Site, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting).</p> <p><u>Conclusion of Screening</u> Even with a potential hydrological connection with the Lower Suir SAC, connecting into the River Barrow and River Nore SAC, there is such a distance between the subject site and the SAC there is no likely meaningly connection. The proposal would have no significant negative impact on qualifying criteria of this SAC.</p>
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	Likelihood of significant effects from proposed development (alone): No.
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the:</p> <ul style="list-style-type: none"> • River Barrow and River Nore SAC (site code 002162) • Tramore Back Strand SPA (site code 004027) • Tramore Dunes and Back Strand SAC (site code 000671) • Seas off Wexford SPA (site code 004237) • Mid-Waterford Coast SPA (site code 004193) <p>The proposed development would have no likely significant effect in combination with other plans and projects on any European sites.</p> <p>The proposed development may have the potential to have an impact on the Lower River Suir SAC (Site code: 002137) and requires further Stage 2 Assessment.</p>	
Stage 2: Appropriate Assessment	
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177U – 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.	

The proposed development alone is likely to have a significant effect on the qualifying interests of Lower River Suir (site code: 002137) on foot of potential pollution events during construction, resulting in water quality deterioration of any hydrological connection. This matter requires further detailed assessment under a Stage 2 Appropriate Assessment.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a residential development, and all associated site works in view of the relevant conservation objectives of Lower River Suir SAC based on scientific information provided by the applicant.

The information relied upon includes the following:

- The Screening for Appropriate Assessment and Natura Impact Statement prepared by Russell Environmental and Sustainability Services Limited.
- Ecological Impact Assessment prepared by Russell Environmental and Sustainability Services Limited.
- Site Synopsis & Conservation Objectives for the Lower River Suir SAC

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

Submissions / Observations

None received on the impact on European Sites. The third parties are concerned with the removal of hedgerows only.

Lower River Suir SAC (Site Code: 002137)

Summary of Key issues that could give rise to adverse effects:

<p>(i) Pollution events during construction (accidental release of hydrocarbons, surface water runoff containing suspended solids or increased nutrient loading) resulting in water quality deterioration</p> <p>(ii) Disturbance of qualifying features during construction (noise, dust, vibration, lighting)</p> <p>(iii) Disturbance of qualifying features during operation</p> <p>(iv) Operational impacts due to human activity on the lake</p> <p>See Table 4.3 of updated NIS</p>			
Qualifying Interest features likely to be affected	Conservation Objective	Potential adverse effects	Mitigation measures (summary)
Sea Lamprey (Petromyzon marinus) (code 1095)	<p>To restore the favourable conservation condition of Sea Lamprey in Lower River Suir SAC</p> <p>Targets & Attributes</p> <p>Range (Bad)</p> <p>Population (Bad)</p> <p>Habitat for species (Inadequate)</p> <p>Future prospects (Bad)</p>	<p>Possible disturbance impacts (direct impact)</p> <p>No direct impacts predicted</p> <p>Indirect impacts possible if water quality is affected by run-off or discharge into the aquatic environment through construction impacts such as increased siltation,</p>	<p>Water Quality</p> <p>Mitigation measures to prevent the deterioration of water quality on St John's River, a tributary of the Lower Suir River SAC.</p> <p>Construction Phase</p> <ul style="list-style-type: none"> • A berm will be constructed at the southern and southwestern boundaries of the site during construction. • Geotextile netting will be staked as a fence and put in place on top of the berm to prevent further runoff. • General best practice site measures will be implemented including a silt trap around the site for the duration of the construction works.

	<p>Overall assessment of Conservation Status (Bad)</p> <p>Overall trend in Conservation Status (Stable)</p>	<p>nutrient release and/or contamination.</p>	<p>Operational Stage</p> <ul style="list-style-type: none"> • The use of 4 detention basins to intercept and delay runoff, slow down and settle out the pollutants. • Use of impermeable footpaths and roadways throughout the development as part of SuDS integration. • Other SuDS measures include the use of road gullies linked to tree pits, acting as a temporary water storage and percolation. • Discharged rates for the whole will be at 6.9l/s, the same as an undeveloped site.
<p>River Lamprey (Lampetra fluviatilis) Site code 1099</p>	<p>Conservation Objective</p> <p>To restore the favourable conservation condition of Sea Lamprey in Lower River Suir SAC</p> <p>Targets & Attributes</p> <p>Range (Bad)</p> <p>Population (Bad)</p> <p>Habitat for species (Inadequate)</p> <p>Future prospects (Bad)</p>	<p>No direct impacts predicted</p> <p>Indirect impacts possible if water quality is affected by run-off or discharge into the aquatic environment through construction impacts such as increased siltation, nutrient release and/or contamination.</p>	<p>Water Quality</p> <p>-As per the mitigation measures set out above</p>

	<p>Overall assessment of Conservation Status (Bad)</p> <p>Overall trend in Conservation Status (Stable)</p>			
<p>Twaité Shad (Alosa fallax) Site Code 1103</p>	<p>Conservation Objective</p> <p>To restore the favourable conservation condition of Sea Lamprey in Lower River Suir SAC</p> <p>Targets & Attributes</p> <p>Range (Bad)</p> <p>Population (Bad)</p> <p>Habitat for species (Inadequate)</p> <p>Future prospects (Bad)</p> <p>Overall assessment of Conservation Status (Bad)</p>	<p>No direct impacts predicted</p> <p>Indirect impacts possible if water quality is affected by run-off or discharge into the aquatic environment through construction impacts such as increased siltation, nutrient release and/or contamination.</p>	<p>Water Quality</p> <p>As per mitigation measures listed above</p>	

	Overall trend in Conservation Status (Stable)			
Atlantic Salmon (Salmo salar) Site Code 1106	<p>Conservation Objective</p> <p>To restore the favourable conservation condition of Sea Lamprey in Lower River Suir SAC</p> <p>Targets & Attributes</p> <p>Range (Favourable)</p> <p>Population (Inadequate)</p> <p>Habitat for species (Favourable)</p> <p>Future prospects (Inadequate)</p> <p>Overall assessment of Conservation Status (Inadequate)</p> <p>Overall trend in Conservation Status (Stable)</p>	<p>No direct impacts predicted</p> <p>Indirect impacts possible if water quality is affected by run-off or discharge into the aquatic environment through construction impacts such as increased siltation, nutrient release and/or contamination.</p>	<p>Water Quality</p> <p>As per mitigation measures listed above</p>	

<p>Otter (Lutra lutra) Site Code 1355</p>	<p>Conservation Objective</p> <p>To maintain the favourable conservation condition of Sea Lamprey in Lower River Suir SAC</p> <p>Targets & Attributes</p> <p>Article 17 reporting indicates that the current population in Ireland is stable and there are no pressures or threat on the range or habitat.</p>	<p>No direct impacts predicted</p> <p>Indirect impacts possible if water quality is affected by run-off or discharge into the aquatic environment through construction impacts such as increased siltation, nutrient release and/or contamination.</p>	<p>Water Quality</p> <p>As per mitigation measures listed above</p>
<p>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. I note there is potential for the deterioration of the water quality of St John's River on foot of pollution events during construction (hydrocarbons, suspended solids or increased nutrient loading) or on foot of the leakage of foul effluent during the operation of the proposed development.</p>			
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Habitat degradation due to hydrological impacts</p>			

The release of contaminated surface water runoff and / or an accidental spillage or pollution event during the construction or operational phases, has the potential to impact water quality of St John's River and there onto the Lower River Suir SAC, impacting the species which rely on the water quality.

The NIS identified the Sea Lamprey (*Petromyzon marinus*), River Lamprey (*Lampetra fluviatilis*), Twaite Shad (*Alosa allax*), Atlantic Salmon (*Salmo salar*), Otter (*Lutra lutra*) as those species under the greatest threat from poor water quality.

Mitigation measures and conditions

The proposed mitigation measures include:

Construction Phase

- A berm will be constructed at the southern and southwestern boundaries of the site during construction.
- Geotextile netting will be staked as a fence and put in place on top of the berm to prevent further runoff.
- General best practice site measures will be implemented including a silt trap around the site for the duration of the construction works.

Operational Stage

- The use of 4 detention basins to intercept and delay runoff, slow down and settle out the pollutants.
- Use of impermeable footpaths and roadways throughout the development as part of SuDS integration.
- Other SuDS measures include the use of road gullies linked to tree pits, acting as a temporary water storage and percolation.
- Discharged rates for the whole will be at 6.9l/s, the same as an undeveloped site.

I note the mitigation measures in the NIS rely on the integration of mitigation measures in the CEMP and a berm along the southern and southwestern boundaries of the site during construction. This berm, in addition to geotextile netting on top of the berm is required to prevent run-off into any hydrological links, namely the drainage ditch and St John's River. The CEMP integrates a range of the mitigation measures and I am satisfied that, in conjunction with those measures in the NIS, the surface water can be effectively treated within the site and there will be no adverse effect on any water quality outside the site or the hydrological pathways to the Loer River Suir.

I am satisfied that the identified mitigation measures are adequate to address potential adverse effects on the European Site.

(ii) Disturbance and displacement impacts

None identified and no mitigation measures required.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The proposal is phase 1 of a wider residential scheme, screening and appropriate assessment will be required for these future phases.

The applicant has demonstrated satisfactorily that no residual effects will remain post the application of mitigation measures that could combine with other plans and projects to give rise to adverse effects.

Findings and conclusions

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

Based on the information provided, I am satisfied that adverse effects arising from any aspect of the proposed development can be excluded for the Lower River Suir SAC.

No direct impacts are predicted as the proposed development will not involve any habitat removal.

Indirect impacts would be temporary in nature and will be mitigated by appropriate construction practices, design measures encompassed in the built structure and layout of the proposed development and the design features of the surface water and foul effluent drainage infrastructure. Monitoring measures can be required by condition to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. There will be no residual effects and no in-combination effects.

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 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.

Appropriate Assessment Conclusion: Integrity Test

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

Following an examination, analysis and evaluation of the NIS all associated material submitted, including the information made available by the NPWS, I consider that adverse effects on site integrity of Lower River Suir 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.

My conclusion is based on the following:

- A detailed assessment of construction and operational impacts.
- The effectiveness of the mitigation measures proposed and the adoption of an approved CEMP in consultation with the Planning Authority,
- The application of planning conditions to ensure the appropriate management and monitoring of the stormwater and foul effluent site drainage infrastructure and the implementation of all identified mitigation measures.