



Inspector's Report

PL-501231-WD-26

Development	Mixed-use development comprising the construction of 2 two-storey retail buildings.
Location	Richard A. Walsh Street, Dungarvan Co. Waterford, (Part of the former Glanbia Site).
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2660079
Applicant(s)	Shane Houlihan
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Hollybush Properties Unlimited Stephen O'Dea
Observer(s)	None
Date of Site Inspection	5 th August 2026
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located to the immediate north of Dungarvan town centre and south of the N25. The site adjoins Richard A. Walsh Street to the south and is enclosed by an existing cinema building / residential development to the east and commercial development to the north.
- 1.2. Dungarvan Shopping Centre is located on the opposite side of Richard A. Walsh Street to the appeal site. Topline Curran's Hardware Store is located to the immediate west of the subject site, and further to the west of the hardware store are vacant / underutilised lands.
- 1.3. The appeal site measures approximately 1.49 ha, is partially paved and there are no permanent structures on the site. The gradient of the appeal site is generally flat with a gentle fall from east to west. The site has an established vehicular access onto Richard A. Walsh Street.
- 1.4. During my site visit part of the site was being used for car sales with a single storey wooden cabin structure operating as an office for the car sales.

2.0 Proposed Development

- 2.1. The proposed development will consist of a mixed-use development comprising the construction of 2 no. two-storey buildings and all associated works.
- 2.2. Building No. 1 has an overall gross floor area c.4,737 sq. m, consisting of the following;
 - 1,763 sq. m. net convenience retail floor space at ground level.
 - 452 sq. m. net comparison retail floor space at ground level.
 - 1,200 sq. m. back of house at ground level.
 - 124 sq. m. café at ground level.
 - 4 no. apartments at first floor area comprising of
 - 1 no. 3-bed unit
 - 3 no. 2-bed units.

- First floor administration / office space.

2.3. Building No. 2 is two-storey in height and has an overall gross floor area c.3,468 sq. m. consisting of two units, as follows;

- Unit 1 is over two-storeys and includes c.1,539 sq. m. net comparison retail sales area and c.813 sq. m. back-of-house/storage/office administration.
- Unit 2 is also over two-storeys and includes c.596 sq. m. net comparison retail sales area and c.329.8 sq. m. back-of-house/storage/office administration.

2.4. The development will also provide a surface car park with 154 spaces and bicycle parking. The proposal includes the replacement of the existing site access from Richard A. Walsh Street with a new vehicular entrance along the same street for customers and service/deliveries.

2.5. Additional works include the provision of an ESB substation/switch room, roof-mounted PV panels, signage (including a totem sign), landscaping, boundary treatments, and all associated site development works and service provisions.

2.6. The principal development statistics are as shown below:

Site Area	1.49 ha
Total GFA	8,205 sq. m.
Comparison Retail GFA	2,587 sq. m.
Convenience Retail GFA	1,763 sq. m.
Café	153 sq. m.
Residential (4 units)	619 sq. m.
Total car parking spaces	154
Total cycle parking spaces	78

2.7. The application was accompanied by the following documentation:

- Planning Report
- Retail Impact Statement

- Landscape Design Rationale
- Phased Regeneration Framework for DTOS01
- Design Statement Report
- Traffic Impact Assessment
- Road Safety Audit Stage 1/2
- Engineering Design – Technical Report
- Site Specific Flood Risk Assessment
- Photovoltaic (PV) & Design Report

3.0 **Planning Authority Decision**

3.1. The Planning Authority decided to **grant** planning permission, subject to 27 no. conditions. The conditions are standard for the development.

3.2. **Planning Authority Reports**

3.2.1. The Planning Officer's report dated 2nd of April 2026, notes the following.

- Principle of development for this mixed-use proposal is acceptable, subject to compliance with Specific Objective DTOS01.

Specific Objective DTOS01

- The mix-used retail led development is consistent with the town centre objective to deliver town centre uses on regeneration lands.
- Proposal provides a strong architectural presence; active ground floor uses and strong presence along Richard A. Walsh Street.
- Well-defined urban edge and incorporates fine grain frontage.
- Public realm improvements included.
- Residential uses support living over the shop contributing to vitality and activity within the site.
- Proposal consistent with Specific Objective DTOS01.

Need / Justification for Development

- Need to expand and diversify the town's retail offering is appropriately demonstrated, having regard to Key Town designation of Dungarvan, and objectives to reduce expenditure leakage from the town and catchment population growth.

Sequential Test and Site Suitability

- Development accords with S. 3.6.1 Joint Retail Strategy for Waterford MASP.
- S. 6.9.6 of the Joint Retail Strategy confirms that retail floor space capacity figure is interpreted as minimum benchmarks rather than upper limits, and do not preclude additional retail floor area.
- Subject site located in the edge of defined town centre core as per Chapter 4 of CDP.
- Sequential test confirms no suitable alternative sites available within town centre that are capable of accommodating the proposed development.
- A review of alternative sites was discontinued due to size and configuration constraints.

Retail Impact Assessment

- Vacancy rates in the town centre have improved.
- RIA demonstrates that proposal will not adversely impact on the vitality and viability of the town centre.
- The Retail Strategy (Section 6.9.3) notes that limited potential for additional net convenience floorspace, however this should be viewed in the context of the extent of convenience floorspace which has been implemented in recent years.
- Additional modest scale convenience retail space could be provided having regard to recent implementation of convenience retail provision.
- Proposal complies with Retail Planning Guidelines (2012), CDP, Town Centre First, and will not adversely affect existing retail vitality and viability.

Urban Design and Layout

- Landscaping proposals contribute positively to the overall urban design of the scheme, reinforcing a strong urban edge.

Traffic and Transport

- No material change to the site access arrangements are proposed from that previously permitted under PA Ref. 23/60555.
- ACP permission (Ref. 319058-24) did not raise access issues in the refusal reason.
- The submitted Traffic Impact Assessment demonstrates junctions are operating within capacity. All junctions will continue to operate within capacity until 2043.
- Car parking provision acceptable and complies with CDP requirements.
- Cycle parking provision is compliant with CDP requirements.

Residential

- Proposal compliant with Apartment Guidelines (2025).
- Absence of dedicated parking for residential is acceptable.

Flood Risk

- Proposal will not increase flood risk elsewhere and is considered acceptable.

3.2.2. Other Technical Reports

- **Environment Section:** No objection subject to conditions.
- **District Engineer:** Traffic Impact Assessment did not consider delivery access to rear of shopping centre, inadequate car parking provision, consideration for a roundabout at Richard A Walsh / John Treacy junction to alleviate traffic, maintenance of sightlines at entrance, auto-track incomplete in both directions off Richard A Walsh Street and auto-track required throughout boundary of site and consideration to emergency and delivery vehicles.

3.3. Prescribed Bodies

- **Department Housing Local Government Heritage:** Archaeological conditions recommended for pre-development archaeological testing.

3.4. Third Party Observations

3.4.1. The PA received 2 no. observation to the application and the issues raised are summarized as follows:

- Proposal fails to meet the requirements of CDP objective DTOS01.
 - No strong architectural design.
 - Proposal is low-rise and low-density.
 - Inadequate active street frontage.
 - Inadequate mixed-use provision.
 - No multi-storey car parking provision.
 - Failure to fulfil potential housing yield of the site.
- No civic plazas within the site.
- Inadequate residential provision.
- The large retail offering is located outside the retail core area, and fails to satisfy the sequential test, undermines the vitality and viability of the town centre and is not justified in terms of qualitative and quantitative retail need.
- Granting permission for the proposal contravenes the retail hierarchy of the town centre first policy.
- Proposed vehicular access / egress at Richard A. Walsh Street would become over-congested and accordingly have a negative impact on existing traffic associated with Dungarvan Shopping Centre.
- There is an existing discount supermarket store operating on these regeneration lands, adds to the retail character of the site and resulting in cumulative effect with the proposed development.

4.0 Planning History

On-Site

- ABP-319058-24 (L.A. Ref. 2360555)

4.1. The Board **REFUSED** permission on the 22nd of October 2024 for the construction of 1-2 storey anchor convenience and comparison retail store which includes c. 2,319sqm net retail sales area, c. 1,455sqm of house/storage/office administration, café of c.155sqm. The reason for refusal are as follows.

1. Having regard to the zoning of the site, the objective of which is to 'provide for enterprise and/or residential led regeneration', the location of the site on edge of town centre, and notwithstanding that retail use is "permitted in principle", it is considered that the proposed development would be contrary to the DTOS01 Regeneration and Opportunity Site designation as set out under Appendix 21 of the Waterford City and County Development Plan 2022-2028, which provides for a detailed vision of how careful and considered development of the lands would make a positive contribution to Dungarvan Town. It is considered that the development, as proposed, which is almost entirely retail in nature and of very low density relative to the land take of the overall regeneration site, would not deliver a strong architectural design as a key landmark or gateway to the town, or provide a high density of mixed uses, including employment, tourism and retail. The proposed development would be contrary to the policies and objectives of the Waterford City and County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

4.2. **LA Ref. 22827:** Permission **Refused** by Waterford City and County Council on the 10th of November 2022 for the construction of an 1-2 storey anchor convenience and comparison retail store. 6 refusal reasons were quoted as follows:

1. Under the Waterford City and County Development Plan 2022-2028 the subject site is zoned Regeneration (RE) with a stated objective to provide for enterprise and/or residential led regeneration. The site forms a substantial part of Regeneration and Opportunity Site DTOS01 which provides for a detailed vision of how careful and considered development of these lands

would make a positive contribution to Dungarvan Town. The development as proposed would not deliver a proportionate quality, quantum and mix of uses as set out in the Development Plan, including but not limited to tourism, employment/enterprise, town centre and residential development, relative to the land take of the overall regeneration site. The proposed development would therefore be contrary to the policies and objectives of the Waterford City and County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

2. In the Waterford City and County Retail Hierarchy Dungarvan occupies Tier 2 (level 1) and performs a Sub Regional Role. The subject site is outside of Dungarvan Town Centre zoned lands and outside of Dungarvan Core Retail Area as defined in the Retail Strategy and is designated as edge of centre. The Retail Strategy identifies that there is limited capacity for convenience floor space within the City and County Area. The applicant has failed to adequately demonstrate that the quantum of the proposed retail offering, outside of the Dungarvan Core Retail Area, would not undermine the vitality and viability of the Town Centre. The proposed development would therefore be contrary to the provisions of the Waterford City and County Retail Strategy 2020 and contrary to the proper planning and sustainable development of the area.
3. The applicants proposed service access onto Shandon Road/Davitts Quay which will be shared with an existing mixed-use development including 20no. apartments, in close proximity to a busy junction/roundabout would give rise to serious concerns regarding the generation of a traffic hazard presenting a direct risk to users of the subject shared access and users of the public road fronting the site including pedestrians. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and would endanger public safety by reason of a traffic hazard.
4. The applicant has failed to demonstrate that the siting of the proposed service yard and the use of same by Heavy Goods Vehicles at off peak times both early in the morning and late at night would not have a direct negative impact on the adjoining residential uses owing to generation of noise/nuisance. The proposed development would therefore be contrary to the preservation of

adjoining residential amenities and the proper planning and sustainable development of the area.

5. The applicant has failed to demonstrate that safe access and egress can be provided for the car park of the subject development from Richard A Walsh Street owing to the absence of consideration regarding the T junction to the west and potential conflict between the proposed access and the immediately opposing existing Service Access for Dungarvan Shopping Centre. The proposal fails to demonstrate that the required sightlines and intervisibility can be achieved and maintained both at the access to the development and within the development site such that conflicts do not occur between vehicular movements and pedestrian movements. It is considered that the proposed development would endanger public safety by reason of a traffic hazard.
6. The applicant has failed to submit sufficiently robust considered proposals with regard to site drainage and maintenance of existing drainage/culverts traversing the site. The proposal fails to demonstrate that the proposal will not have an adverse impact on the wider surface water drainage network. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- 4.3. **L.A. Ref. – 06510099:** Planning permission **granted** by Waterford City and County Council on the 18th of April 2006 on a 1.4-hectare site on part of former Glanbia site. The proposed development includes mixed use of retail, office and residential.

5.0 Policy Context

5.1 Waterford City and County Development Plan, 2022 – 2028

5.1.1. Chapter 2 – Spatial Vision and Core Strategy

Table 2.2 (Settlement Hierarchy and Typology) of the CDP identifies Dungarvan as a 'Key Town', which is the second settlement tier in the county settlement hierarchy. Key Towns are strategically located urban centres with accessibility and significant influence in a sub-regional context.

- 5.1.2. The appeal site is zoned RE 'Regeneration' and the objective for these lands is as follows:

Provide for enterprise and/ or residential led regeneration

5.1.3. Section 2.14.1 'Regeneration' states:

Across our settlements some scope for regeneration exists and to this end relevant brownfield sites are identified in Appendix 21 with additional sites also identified in Table 3.1. These regeneration sites have been identified for their capacity to deliver regenerative, compact and sequential growth in the larger settlements while in the rural settlements they provide serviced sites as possible alternatives to one-off housing in the open countryside. As also detailed in Appendix 21 there are significant impediments to all these lands coming to market during the lifetime of the Development Plan, including site assembly and displacement of existing uses, and as such it is considered that where these lands come to the market they can be considered as Additional Provisional lands for the purposes of the core strategy.

5.1.4. The following policies are relevant to the proposed development;

- CS 03 Compact Growth

In a manner consistent with NPO 34 and 35, we will promote and support an efficient, equitable and sustainable pattern of residential and other development that delivers compact growth and critical mass for sustainable communities in Waterford, by managing the level of growth in each settlement.

- CS 07 Urban Regeneration

We will collaborate with state agencies such as the LDA and SRA to deliver quality regeneration projects across our urban settlements in a way that supports the achievement of compact growth and sustainable placemaking for urban and rural communities.

5.1.5. **Chapter 4 – Economy, Tourism, Education and Retail**

The following is relevant to the proposed development;

- Table 4.1 'Strategic Employment Locations' identifies the appeal site (former Glanbia site) as a strategic development area. The employment opportunities include '*employment and retail hubs in accessible locations to complement city/ town centre*'.

- Policy Objective ECON 01 states the following.

We will support and facilitate regeneration, consolidation and growth at strategic employment and nodal locations along strategic public transport corridors, and maximise commercial and employment development opportunities so as to foster more sustainable economic growth, diversity and resilience in accordance with the Core and Settlement Strategies by:

- Providing appropriate and adaptable zoning and use provisions throughout the city and county;
- Maximising the efficiency of zoned lands by advocating for and facilitating the provision, upgrade or refurbishment of necessary and timely supporting infrastructure, sustainable transport opportunities, and utilities.
- Work closely with the Southern Regional Assembly, neighbouring Local Authorities, TUSE, the Chamber's, the IDA and other agencies to build and maintain a shared evidence base and monitoring framework to guide and enable the sustainable growth of our economy and communities.
- Collaborating with government departments and agencies to build our shared bidding expertise and capacity so as to identify infrastructure deficits and opportunities, prepare strong business cases and identify funding sources, to bid, and successfully attract competitive funding which will deliver on the goals of the NPF and RSES and other national strategies that support regional and local authority statutory plans, associated strategies and local economic and community plans;
- Supporting the development of small-scale ancillary services in large industrial and business parks where they do not detract from the vitality and viability of the city or town centres in the subject settlement.
- Favourably considering the redevelopment of brownfield sites and disused agricultural or commercial buildings in urban and rural areas for industrial, enterprise or cultural developments, subject to normal planning considerations.

- Ensuring that significant employment development is located at strategic locations as identified in Waterford MASP, in Table 4.0 and that other new employment generating enterprises base themselves in the city or existing towns, villages and settlement nodes, in proximity to existing infrastructure, services and concentrations of employment.
- Supporting and facilitating a business environment that is attractive, accessible and healthy, and places Waterford City at the forefront of destinations for inward investment in the state and supports its role in the city region as the regional driver of growth.
- Policy Objective ECON 02 (Strategic Employment Locations) states the following.

To support significant employment growth and development at strategic employment locations as identified within the Waterford MASP, Waterford Airport, The Port of Waterford, Dungarvan Key Town, Tramore and Kilmeaden, having regard to service availability, accessibility by sustainable transport modes, place-making for business, and the built and environmental context.

We will also promote and facilitate employment in all our settlements where investment can be focused on:

- Creating additional and multi-purpose employment opportunities to secure the long-term sustainable social, and environmental development of rural areas.
- Encouraging economic diversification.
- Supporting research, innovation and enterprise development, including through the support for/ provision of, incubation facilities.
- Support the development of a network of digital hubs in order to attract new and start-up business; and
- Facilitate the growth of rural enterprises and sustain a local rural hinterland.
- Policy Objective ECON 06 (Regeneration) states the following.

We will facilitate and participate in regeneration projects so as to revitalise under-utilised business parks and industrial estates and promote the regeneration of obsolete and/or under-utilised buildings and lands that could yield economic benefits and/or social enterprise, with appropriate uses, subject to compliance with the policies and development management standards of the Development Plan.

- Section 4.12 outlines the objectives of the Retail Strategy, and this includes; Ensure that the towns of Dungarvan continue to play important complimentary and supportive roles within their respective catchment areas.
- In accordance with Fig. 4.4, the appeal site is located outside the Dungarvan Core Retail Area. The site represents an 'edge-of-centre' site, given its location outside the town centre core zoned lands and outside of the core retail area.
- Section 4.12.5 (Town Centre First – Sequential Approach) – A sequential test must be applied to development in edge-of-centre or out-of-centre sites.
- Dungarvan is designated as a Level 2 (Sub Regional – Key Town) in the County Retail Hierarchy. The appropriate level of retail development is identified as *'key shopping destination offering a variety of convenience and comparison goods, along with a range of retail and leisure services and some financial and business services'*.
- Policy Objective Retail 02 (Retail Hierarchy and Urban Centres) states the following.

To promote retail provision in the following location:

- Dungarvan and Tramore Town Centres,
- Urban Towns,
- Rural Settlements; and,
- Rural Nodes

The type of retail development should be of an adequate level, type, size, scale and the nature of the floorspace proposed should be appropriate to that centre having regard to the retail hierarchy, the appropriate level of

development at each tier of the settlement hierarchy (as set out in Table 3.3) and in the context of the guidance set out in the Retail Planning Guidelines (2012) or any update thereof. Due regard should also be had to the policies, action and vision and the assessment criteria for future retail development as set out in Chapters 7 and 8 respectively of the Retail Strategy (Appendix 4 of the Development Plan).

- Policy Objective Retail 03 (Town Centre First Approach/ Sequential Approach) states the following.

The core retail area/town or village centre will form the main focus and preferred location for new retail development. The Council will apply the sequential approach to retail development proposals outside the core retail area or town/village centre. Edge centre sites or out of town centre sites will only be considered when it has been clearly demonstrated that all suitable available and viable sites in the town core retail area/ town/village centres have been fully investigated and considered in accordance with the Retail Planning Guidelines and in particular the sequential test.

- Policy Objective Retail 06 (Retail Impact) states the following.

To require the submission of Retail Impact Assessment and Traffic and Transport Assessment reports in support of applications for significant retail developments which due to their nature, scale and/or location, may impact on the vitality and viability of Waterford City Centre or any other key/urban town centres as designated in Table 3.3 and Table 4.2 (Tiers 1&2).

- 5.1.6. Local Retail Health Check Assessment shall be required in support of applications for moderate scaled retail developments in any other urban and rural settlements as designated in Table 3.3 and Table 4.2 (Tiers 3-5).

5.1.7. **Chapter 7 'Housing and Sustainable Communities'**

The following is relevant to the proposed development;

- Policy Objective H 05 states the following.

To maximise the efficient use of existing infrastructure and services and promote a positive modal shift towards sustainable transport use, we will facilitate the sustainable, compact, sequential regeneration and

redevelopment of urban areas through the appropriate development of identified key infill and brownfield sites as per Table 3.2 and Appendix 21 for a mix of uses appropriate to the location. To assist in this regard, we will carry out a viability assessment for key brownfield sites during the lifetime of the development plan with a view to assisting in delivery of regeneration projects. Development proposals which are not fully consistent with the provisions of the land use zoning matrix (Volume 2 – DM Standards Table 11.2) will be considered on their own merits where it can be demonstrated that the proposed development is consistent with the “Vision” for the site and is in accordance with the proper planning and sustainable development of the area.

5.1.8. **Chapter 8 ‘Placemaking’**

5.1.9. Strategic Objective

To promote a diverse choice of places which are attractive, of high-quality design, centred on the human scale and accessible to all; these will act as the heart of every community across Waterford City and County.

This will be achieved through:

- Strengthening sustainable connections between people and place,
- Promoting exemplar urban design,
- Diversity of built form, uses and outdoor spaces resulting in positive social interactions,
- Reduced carbon emissions and
- Greater opportunities for biodiversity

5.1.10. **Policy Objective Place 02:**

Ensure that all development is of high quality design with a focus on placemaking consistent with NPO 2, 4, 6, 7 16,18a, 18b, 26 and 27 of the NPF, and RPO 31 – Sustainable Place Framework, RPO 34 – Regeneration, Brownfield and Infill Development, Section 4.7 Placemaking for enterprise development, RPO 61 – Health Place Audit for Placemaking, RPO 176 – “10-minute City and Town

Concepts” and Good Practice example 10-minute city and town neighbourhoods at Section 3.9 of the RSES

5.1.11. Policy Objective Place 05:

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

5.1.12. Uni Des 01:

5.1.13. To ensure that all new developments are connected and integrated to both existing and proposed developments by:

- Providing for safe and convenient alternatives to the car in their design.
- Prioritising permeability, walking, cycling and public transport accessibility, and
- Integrating physical activity for and between all ages.

5.1.14. Policy Objective Place 10:

All medium to-large scale and complex planning applications (15 + residential units (or less depending on the site context), commercial development over 500 sqm. or as otherwise required by the Planning Authority) shall submit a ‘Design Statement’ and shall be required to demonstrate how the proposed development addresses or responds to the design criteria set out in the ‘Urban Design Manual - A Best Practice Guide’ (DoEHLG, 2009) and incorporates adaptability of units and/or space within the scheme. The design statement would include how the circular economy could be addressed from design through to planned end-use and beyond.

5.1.15. Volume 2 of Development Plan

Development Management Standards, and the following is relevant.

- Section 3.4 Residential Development Design Standards
- Section 5.1 Retail Development

Development Management DM 20, which relates to the '*Assessment of Development Proposals in Waterford City, other towns and rural settlements*', states the following.

- Be consistent with the role and function of the particular retail centre as set out in the Development Plan and Retail Hierarchy and accord with the scale and type of retailing identified for that location.
- Accord with the fundamental objective to support the vitality and viability of the retail centre and demonstrate compliance with the sequential approach. Provide a detailed retail impact assessment and a transport impact assessment to accompany the application where appropriate.
- Be of a high quality and incorporate layouts that encourage active and engaging frontages where appropriate.
- The design must ensure that the proposed centre will be integrated with, and be complementary to, the streetscape, where it will be located, or in accordance with a detailed urban design framework.
- There shall be a general presumption against large out-of-town retail centres - in particular those located adjacent or close to existing, new or planned national roads/motorways.
- In the context of larger scale developments in our Urban Areas, District/ Suburban and Neighbourhood Centres, while adequate car parking, separate service areas and convenient access by public transport and by walking and cycling from surrounding residential areas are essential elements, these must be supplemented by features that improve the overall attractiveness of the scheme to the public. Such features can include for example: -
 - The ability of the proposal to be adequately serviced in relation to public transport and pedestrian and cyclist access and facilities.
 - Public realm of appropriate scale, design and enclosure.
 - The provision and design of street furniture, e.g., seats, litterbins, cycle facilities.

- The provision within the overall design of the scheme for public facilities, e.g., toilets, advice centres, and supporting community, civic and cultural uses including health clinics, crèches, theatres, libraries for example.
 - Activities and uses including retail services and restaurant uses that keep the centre alive both during the day and evening.
 - The inclusion of some element of residential uses, particularly apartments, as an integral part of the centre in order to generate evening activity and security of the centre. Provision of residential must be in accordance however with the overall zoning objective for the area.
 - An overall design strategy that helps promote convenience shop variety (by the use of differing shopfronts, plot frontage widths, setbacks, signs etc.) but set within an overarching and cohesive design concept that unites the whole.
 - The design and layout of buildings, together with the robustness of materials used in their construction, should be such as to discourage graffiti, vandalism and other forms of anti-social activity. All unsightly areas, for example service cores, should be screened from surrounding residential areas and from pedestrian corridors within the scheme. Considered screening should form an integral part of any design, but where this is not possible, supplementary tree planting and landscaping will be necessary.
 - Considered tree planting, landscaping and overall urban greening measures must, in any event, form an integral part of the general design of any shopping scheme.
 - Appropriate Wall Art.
- Section 5.4 Retail Impact Assessment
 - Section 5.5 Traffic and Transport Assessments
 - Section 5.6 Shopfronts and Commercial Facades

- Table 7.1 Car Parking Standards
- Section 7.8 Assessment Criteria for Deviation from Car and Bicycle Parking Standards

5.1.16. Section 9.15 'Living Over the Shop' advises that the Planning Authority will encourage 'living over the shop', subject to suitability of location, standard of accommodation proposed, and the following should be noted in this regard:

- Derogations for older commercial buildings in appropriate cases may be given in respect of private open space, parking, and unit size standards.
- Derogations for car parking may be allowed having regard to parking policy.

5.1.17. **Appendix 4 – Retail Strategy**

Dungarvan has a relatively wide rural hinterland, the town has a more diversified retail base than many other towns of its scale. The town has a relatively limited number of national stores but has a good variety of independent shops which have been retained in the core retail area of the town. The main shopping centre has been well integrated into the town centre, and there has been little leakage to the edge of town, other than for bulky goods.

Therefore, it will be important to protect and develop the retail function of the town centre of Dungarvan by both enhancing the environment and vitality of the town centre, and by closely controlling any inappropriate out of town retail developments.

Section 8.1.10 of Retail Strategy states: All applications for large retail developments in out of centre or edge of centre locations (in excess of 1,000 sq. metres – net area) should be subject to the sequential test. Where an application for a large comparison retail development (in excess of 1,000 sq. metres – net area) outside of the city/town centre is lodged to the planning authority, the applicant should demonstrate that all city/town centre options have been assessed and evaluated and that flexibility has been adopted by the retailer in regard to the retail format.

5.1.18. **Appendix 21 'Regeneration and Opportunity Sites'**

Regeneration and Opportunity Site (DTOS01)

The appeal site forms part of the former Glanbia Site and adjacent lands, Davitt's Quay which is CDP Regeneration and Opportunity Site. The vision for this site is;

- Development on this key strategic underutilised site should provide strong architectural design as a key landmark or gateway to Dungarvan Town.
- Future developments shall comprise a high-quality design, fine grained active frontage blocks providing a strong built edge.
- Any development should consist of town centre and retail uses.
- Any development should address the extensive street frontages and be designed to an exceptional standard.
- Any development proposal shall facilitate active linkages through the site from the Shandon Roundabout and N25 to Walsh Street (L2060).
- Potential for multi-storey car parking.

5.2. Variation no. 1 of the Waterford City and County Development Plan, 2022 – 2028.

5.2.1. Variation no. 1 was made by Plenary Council on the 13th of November 2025. The Variation was proposed to provide for the following;

- a zoning amendment,
- the Joint Retail Strategy for the Waterford City Metropolitan Area,
- Blue / Green Infrastructure Strategy,
- County Settlement Typology, Core Strategy Policy and Phasing, and
- Regeneration and Active Land Management.

The variation included an amendment to Regeneration and Opportunity Site objective DTOS01 which relates to the appeal site and for the purpose of clarity I

have below highlighted in red bold text added in by Variation no. 1 and used strikethrough to indicate text omitted from DTOS01 due to Variation no. 1.

- Development on this key strategic underutilised site should provide strong architectural design as a key landmark or gateway to Dungarvan Town.
- Future developments shall comprise a high-quality design, fine grained active frontage blocks providing a strong built edge.
- ~~Any development should be mixed use high density with emphasis on employment, tourism, apartments and town centre uses;~~
- **Any development should consist of town centre and retail uses.**
- Any development should address the extensive street frontage ~~along the Davitt's Quay and Walsh Street~~ and be designed to an exceptional standard;
- Any development proposal shall facilitate active linkages through the site from the Shandon Roundabout **and N25** to Walsh Street (L2060).
- Potential for multi storey car parking;
- ~~Changes to car parking capacity on the site should be informed by the Local Transport Plan (LTP) for Dungarvan;~~
- ~~Retail development may be appropriate on the site where compliance with the retail strategy can be demonstrated.~~
- ~~Potential Housing Yield.~~

5.3. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 12 (high-quality urban places), NPO 22 (standards based on performance criteria), NPO 40 (meeting the needs of older people), and NPO 45 (increased density).

5.4. **Regional Spatial and Economic Strategy for Southern Region (RSES)** sets out Dungarvan as a key town and sets out a number of objectives for the town centre.

RPO 24 – Dungarvan. The following are relevant to the appeal site.

- a. To strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and in its sub-regional role as a Gaeltacht Service Town, leveraging its strategic location along the Waterford Cork N25 route and to build upon its inherent strengths including historical, cultural and architectural heritage, digital connectivity, skills, innovation and enterprise, tourism (in particular the Waterford Greenway and its potential sustainable expansion), culture and retail services. In respect of its importance to the environment, to tourism, to fishing, and to aquaculture (niche industries supporting rural employment), this RSES supports the environmentally sustainable development and treatment of Dungarvan Harbour and coastline.
- b. To support the continued development of cycling and walking infrastructure as part of Go Dungarvan Smarter Travel Programme and to support the accessibility of the public realm for vulnerable road/footpath users and persons with disabilities.

5.5. **Section 28 Ministerial Planning Guidelines**

5.5.1. **Retail Planning Guidelines for Local Authorities 2012**

5.5.2. The guidelines endorse the primacy of the town centre, and it is a national policy to promote greater vitality in city and town centres. In this regard the guidelines promote the principle of the sequential test and state that the preferred location for new retail development is within city and town centres.

The guidelines introduced the Sequential Test, and stated the following:

“The order of priority for the sequential approach is to locate retail development in city/town centre (and district centre if appropriate), and only to allow retail development in edge of centre or out of centre locations where all other options have been exhausted”.

“The promotion of critical mass in city and town centres through the location of appropriate retail and other complementary uses within and adjoining their prime shopping areas will contribute significantly to the vibrancy and vitality of such centres”

RPG also recommend any assessment shall comply with the criteria set out in the guidelines.

5.5.3. Design Standards for New Apartments, Guidelines for Planning Authorities (2025).

5.5.4. Applicable policy for the proposed development includes:

- SPPR 1 (No restriction in relation to mix of unit sizes or types and no minimum requirements for apartments with a certain number of bedrooms).
- SPPR 2 (minimum floor areas),
- SPPR 3 (dual aspect ratios)
- Para. 3.8 – Private Amenity Space
- Appendix 1 – minimum floor areas and standards.

5.5.5. Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.

Applicable policy for the proposed development includes:

- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
- Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances (minimum of 16m between opposing first floor windows).
 - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.

Section 5.3.4 'Car Parking – Quantum, Form and Location' sets out that the car parking approach should take account 'of proximity to urban centres and sustainable transport options, to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport'

5.4 Natural Heritage Designations

- Dungarvan Harbour SPA (Site Code: 004032) is located 80m-90m northeast.
- Helvic to Ballyquin SPA (Site Code: 004192) is located 7 km southeast.
- Mid Waterford Coast SPA (Site Code: 004193) is located 8.3 km east.
- Helvic Head SAC (Site Code: 000665) is located 7.2 km southeast.
- Glendine Wood SAC (Site Code: 002324) is located 3.6km northeast.
- Blackwater River SAC (Site Code: 002170) is located 6.3km southwest.
- Dungarvan Harbour pNHA (Site Code 000663) – 170m northeast

6.0 EIA Screening

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

7.0 The Appeal

7.1. Third Party Appeals

7.1.1. The following is a summary of the grounds of a third-party appeal submitted by agents O'Dea and Moore Architects on behalf of International Investment ICAV Property Fund 2.

- The revised proposal in the current application has not fundamentally addressed the previous refusal reason.

Under-Utilisation of Regeneration Site

- Proposal is low-rise, low-density development primarily with retail and therefore is not mixed use with high density.
- The larger regeneration site already contains a discount supermarket.
- The proposed retail development will be another incremental reduction in mixed use.
- Proposal fails to contain a 'key landmark or gateway' for the town in accordance with CDP Objective DTOS01.
- Any proposed civic plazas and landmark buildings will be the responsibility of others outside of the development site.

Vitality and Viability of town centre retail core

- The proposal would have a negative impact on the town centre.

Traffic

- New vehicular entrance onto Richard A. Walsh Street caters for customers and service vehicles.
- There are currently high traffic volumes in the area given the need to access the adjacent retail site.
- There is a service yard entrance with articulated vehicles completing deliveries throughout the day.

7.1.2. The following is a summary of the grounds of a third-party appeal submitted by Hollybrush Properties Unlimited.

- Inappropriate infill development for an edge-of-town centre location and not compliant with the provisions of the CDP.

Failure to address previous refusal reason by ACP

- Current proposal contains the fundamental characteristics of the previous proposal without any significant changes.
- The development is overwhelmingly retail-led, consisting of 4,300 sq. m. of retail floorspace, supported by surface car parking and limited residential use.
- The proposal does not address the fundamental refusal reasons by ACP (Ref. 319058-24).

Contravention of Regeneration Zoning (RE) and Objectives DTOS01

- Proposal fails to meet the requirements of DTOS01 as it does not represent a genuine mixed-use development, as it is retail dominated.
- The quantum of retail space combined with the extent of surface car parking underutilises a prime regeneration site.
- The provision of 4 no. apartments and management suite do not materially alter the nature of the retail led development.
- Any flexibility in the zoning objective is contingent on the development achieving the strategic outcomes of the CDP.
- Proposal neither achieves compact growth nor provides the density, diversity of uses, or urban design quality envisaged for the site. Proposal is therefore a misapplication of CDP policy.

Failure to Comply with Retail Planning Policy and Sequential Approach

- Application fails to demonstrate there is no suitable, available and viable sites within the town centre capable to accommodate the proposed development.
- Failure to apply the sequential approach represents a fundamental breach of retail policy.

- The scale of proposed retail development would have adverse impacts on the vitality and viability of the town centre.
- The introduction of large-scale retail development in an edge-of-centre location, without evidence-based assessment is contrary to the CDP objectives and the Retail Planning Guidelines.

Premature decision in the absence of adequate Traffic Infrastructure Assessment

- The Roads Section identified the applicant's Traffic Impact Assessment was incomplete and insufficient.
- Roads Section raised concerns regarding junction capacity, parking provision, vehicle movements and need for detailed analysis.
- The impacts of the development therefore have not been properly assessed, rendering the decision premature.

Failure to deliver Compact Growth and Sustainable Development

- Proposal fails to deliver on high density compact growth of a regeneration site.
- The development is low density and car orientated akin to an out-of-centre retail park development and therefore a missed opportunity having regard to national policy and the CDP.

Design and placemaking deficiencies

- The CDP requires this site to achieve a high standard of architectural design and urban form, appropriate to its prominence as a gateway location. The proposal fails to meet this standard.
- The development comprises of inappropriate street frontage and is dominated by surface car parking.
- The scheme fails to contribute positively to the urban structure of the town or create a sense of place.
- The lack of high-quality placemaking is a significant failure.

Flood Risk and Infrastructure Concerns

- The site is partially located in Flood Zone A and B.

- The application does not provide demonstration of compliance to the sequential approach to flood risk management.
- A grant of permission is premature in the absence of a robust and comprehensive flood risk assessment.

7.2. Applicant Response

7.2.1. The following is the summary of a response by the applicant.

Introduction

- Two rival retail groups have appealed the development who are actively seeking to inhibit retail competition.
- The Retail Guidelines (2012) promotes competition to benefit the consumer and enable good quality development proposals.

Failure to Address Previous Refusal & Contravention of Regeneration Zoning / Objective DTOS01

- The current proposal differs from the previous proposal which was a single anchor retail store and small café.
- The policy designation under DTOS01 has been significantly revised under Variation no. 1 of the CDP and the vision has changed.
- The previous refusal related to non-adherence to DTOS01, prior to Variation no. 1.
- The appellant has failed to refer to the amended DTOS01.
- Policy DTOS01 does not explicitly say that residential is required.
- The retail-led, mixed-use development complies with the regeneration zoning and Regeneration Opportunity Site DTOS01 objective.

Compact Growth & Utilisation of Site

- The site has been vacant for some time, and the proposal is a retail led development in accordance with the zoning and regeneration objectives of the site.

- The elevational design will provide strong urban edge to the street with appropriate urban grain providing visual interest. Positive impact on the streetscape.
- A submitted Services Layout illustrates a dense network of existing water service routes and wayleaves at the southwestern end of the site, which has restricted the potential to continue the strong urban edge along the street.
- A public open space is provided in this location providing an amenity to shoppers, visitors and residents of the area.
- Car parking is located to the rear of the site allowing new public open space to integrate with the street.
- The density and scale of the development is considered appropriate.
- In relation to a landmark or gateway feature the proposed development is designed as an integrated component of the wider DTOS01 regeneration strategy.
- The proposed civic plaza and high-quality public realm are part of the gateway and landmark proposals in accordance with submitted 'Phased Regeneration Framework Report'.
- The submitted 'Phased Regeneration Framework Report' indicates how the lands may evolve over time.

Design & Placemaking

- The proposed design evolved from a macro level study as set out in the Phased Regeneration Framework Report.
- The proposed development is not an isolated intervention but an integral component of a broader masterplan vision for regeneration.
- Section 7 of the Phased Regeneration Framework Report sets out the core principles that underpin the framework.
- Proposal establishes a strong street frontage.
- Surface car parking is situated away from the street frontage and is screened from public view.

- Car parking provides an appropriate level of spaces.
- Proposal includes a civic plaza providing a high-quality public space.
- Development significantly enhances permeability through the site.
- The proposal therefore supports the regeneration of the site in accordance with DTOS01.
- Proposal addresses the building massing, corner treatment, materiality, and the quality of the public realm along the street frontage.
- The western corner of Building B1 emphasises the gateway significance of the site and was subject to consultation with the Council.
- The setback at the corner of the building is intentional to create a civic plaza and high-quality public space.
- Building B1 is designed as a feature building that terminates and frames key views approaching the site from both John Treacy Street and Richard A. Walsh Street.
- High-quality external cladding is used for the Building B1 comprising of a balance between solid and glazed elements.
- The street frontage is designed to achieve activity throughout the day.
- The proposed building canopy creates a sheltered edge to the street.
- At the eastern end of the frontage the proposed café provides an additional active use providing for social interaction.
- Proposal provides a dynamic and varied frontage that combines commercial activity, public amenity, and high-quality landscape design.

Retail Impact

- The submitted Retail Impact Assessment (RIA) confirms that the development is centrally located, brownfield site adjacent to the Core Retail Area and is an 'edge of centre site'.
- The development will act as an extension to the retail core rather than a separate retail cluster.

- RIA includes a sequential test which demonstrates that no suitable, available or viable sites are within town centre capable of accommodating proposed development.
- RIA demonstrates there will be sufficient available convenience and comparison expenditure to support the proposed development without resulting in a negative impact on existing retailers.
- Section 6.9.6 of the County Retail Strategy clarifies that retail floorspace capacity figures are to be interpreted as minimum benchmarks rather than upper limits, and do not preclude additional retail provision.
- Proposal will contribute positively to the existing town centre.
- Proposal complies with the quantitative and qualitative retail policies of the County Development Plan and the Retail Planning Guidelines.

Traffic Impact

- The Traffic and Transport Assessment (TTA) and the Stage 1/2 Road Safety Audit demonstrate the following;
 - Sufficient junction capacity – all relevant junctions operate within acceptable capacity.
 - Car parking meets CDP standards.
 - Proposal includes compliant sightlines, controlled access geometry, and safe pedestrian routes, ensuring no risk of conflict.
 - Design information included swept-path analysis, and visibility assessments.
 - All problems raised in the Road Safety Audit have been addressed.
- There is no evidence to demonstrate that there are unresolved traffic hazards or infrastructure strain.
- The Council's Road's Department have no objections to the proposed development.

- The PA had no concerns with the traffic proposals, and any outstanding issues will be addressed by conditions no. 2, 3 and 5 of the grant of permission.

Flood Risk

- The Site-Specific Flood Risk Assessment (SSFRA) notes that coastal flooding is the only flooding concern for the site, as such the site is partially located in Flood Zone A and B.
- The site is not considered to be at risk from fluvial, pluvial or groundwater flooding.
- Flood mitigation measures include setting finished floor levels above predicted extreme flood levels, along with a Flood Evacuation Plan to manage residual risk.
- SSFRA confirms that post development runoff will not exceed existing rates, as such the development will not increase flood risk elsewhere.
- Any displacement of tidal floodwaters during extreme events would be negligible with no impact on surrounding hydrological regime.
- The SSFRA fully complies with the sequential approach in the Guidelines and the development of the site is justified.

7.3. Planning Authority Response

7.3.1. The following is the summary of a response by the PA in relation to a third-party appeal submitted by O'Dea and Moore Architects on behalf of International Investment ICAV Property Fund 2.

- Issues raised in appeal are comprehensively addressed in PA's Planner's Report.

Alleged Underutilisation of the Regeneration Site

- The site forms part of the CDP objective DTOS01 which seeks to facilitate the regeneration of these lands by achieving high quality development, including town centre and retail uses, active frontage, strong urban form, enhanced connectivity and high standard of architectural treatment.

- The proposal cannot be categorised as singular retail development, as comprises of
 - Convenience and comparison retail floor space
 - Ancillary café use
 - Residential accommodation at upper floor level
 - Public realm and landscaping measures
 - Pedestrian connectivity and associated infrastructure
 - Supporting site development works
- The scheme is therefore mixed use.
- The PA has had particular regard to the decision of the previous development (Ref. 319058-24) and the amendments introduced by Variation no. 1.
- The current proposal differs materially from the previous proposal and has addressed previous concerns.
- In respect of policy objective DTOS01, the proposed development
 - Provides a strong and active frontage to Richard A. Walsh Street.
 - Enhanced streetscape and public realm treatment.
 - Appropriate architectural articulation and material quality.
 - Activation of a brownfield site.
 - Development that will not prejudice the future phased development of adjoining lands.
- The proposal would contribute positively to the wider regeneration for the area.

Retail Impact and Town Centre Vitality and Viability

- The PA have carefully considered town centre vitality and viability in the submitted Sequential Test and Retail Impact Statement (RIS).
- Subject site is located adjacent to the retail core and is edge of centre site.
- No alternative sites available within the defined town centre.

- PA satisfied that the proposal complies with sequential test under Retail Planning Guidelines, CDP policy Retail 03 and Town Centre principles in the CDP.
- In respect of town centre vitality and viability, the PA notes
 - Dungarvan performs an important sub-regional retail function as a Tier 2 (Level 1) Key Town.
 - Evidence demonstrates a stable retail environment with improving vacancy levels.
 - Proposal improves retail choice and consumer competition.
 - Proposal supports expenditure retention within the catchment area.
 - Proposal would generate linked trips and increased activity within the established town centre.
- The development would be a logical extension of the existing retail area rather than establishing a disconnected retail cluster.
- The proposal would strengthen Dungarvan's retail function rather than adversely impact on town centre vitality and viability.

Traffic and Transportation

- The vehicular access arrangements are substantially similar to those previously considered under PA Ref. 23/60555.
- Traffic and access matters did not form part of the previous refusal reasons (ABP-319058-24).
- The Council's Road's Section concluded that all issues can be resolved by condition.
- No evidence submitted that the proposal would give rise to a significant traffic hazard or unacceptable impact on the surrounding road network.
- The development can be accommodated without detriment to traffic safety.

7.4. Further Responses

- None

8.0 Assessment

8.1. Introduction

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

- Principle of Development
- Regeneration Objective DTOS01
- Retail Impact Assessment
- Compact Growth
- Residential Amenity
- Placemaking
- Traffic and Access
- Flood Risk

8.2. Principle of Development

8.2.1. Zoning Objective and Use Classes

The CDP zoning objective for the appeal site is 'RE', 'Regeneration', the objective of which is;

'Provide for enterprise and/ or residential led regeneration'.

- 8.2.2. The proposal is to consist of a mixed-use development comprising of net retail comparison floor area of 2,587 sq. m., net retail convenience floor area of 1,763 sq. m., 4 no. apartments and café.
- 8.2.3. Appropriate use classes in the 'RE' (Regeneration) zoning objective that are permitted in principle and open for consideration are listed in Table 11.2 'Zoning Matrix' of Volume 2 - Development Management Standards of the CDP. I would note, having regard to Table 11.2 of the CDP, that the proposed uses '*Café/ Tea Shop*', '*Residential Scheme*', '*Retail Food (Supermarket)*' are all permitted in principle, and that '*Retail Comparison Goods*' is open for consideration, within the 'RE' (Regeneration) zoning objective.
- 8.2.4. In terms of use classes, I am therefore satisfied that the principle of the proposed uses, the subject of this development proposal, are either permissible in principle or open for consideration in accordance with Table 11.2 'Zoning Matrix' of the CDP, and therefore consistent with land-use zoning objective of the development plan for the appeal site.

8.3. **Regeneration Objective DTOS01**

- 8.3.1. Appeal grounds include the proposal is overwhelmingly retail-led, consisting of 4,300 sq. m. of retail floorspace, supported by surface car parking and limited residential use and therefore not mixed-use, fails to address previous refusal reason (Ref. 319058-24) and is not consistent with CDP objective DTOS01.
- 8.3.2. As noted above the zoning objective pertaining to the appeal site is 'Regeneration' and the vision for the redevelopment of the subject site is included in the CDP site-specific objective DTOS01.
- 8.3.3. I would note that Section 2.14.1 of the CDP (refer to para. 5.1.3 above) discusses the scope for regeneration in the settlements and relevant regeneration sites are identified in Appendix 21 of the CDP, and this includes the appeal site and its specific regeneration objective, DTOS01.
- 8.3.4. I would specifically note that Section 2.14.1 of the CDP refers to these designated regeneration sites as '*been identified for their capacity to deliver regenerative,*

compact and sequential growth in the larger settlements’, which I acknowledge would crosscut many of the national, regional and local policy objectives. These identified regeneration sites can also be considered as ‘Additional Provisional’ lands for the purposes of the core strategy.

8.3.5. Appendix 21 of the CDP includes both general regeneration objectives and site-specific objectives for the identified regeneration sites, and I have considered these objectives in table form below to ascertain whether the proposed development is consistent with both the general regeneration objectives and the site-specific regeneration objective, DTOS01, for the appeal site.

8.3.6. Compliance with Appendix 21 General Objectives for Regeneration

Regeneration Objective	Proposed Development	Assessment
<i>All new development must be of an appropriate size, scale, character, have high-quality public realm, incorporate excellent architectural/ urban design and place-making principles as outlined in Chapter 8 of the Development Plan, Volume 2 Development Management and Appendix 5 – Placemaking Strategy, include hard and soft landscaping, SUDs and nature-based infrastructure where appropriate, along with visual improvements to the streetscape.</i>	The applicant’s Design Statement Report confirms that the aim of the development is to create an urban street and the strategic aims of the development include creation of high standards of urban and building design, attractive public open spaces, pedestrian friendly streets, promote social inclusion, create employment and provide a streetscape to Richard A. Walsh Street while allowing future cycle and pedestrian routes. The applicant’s Landscape Design Rationale submits that the main aim of the design incorporates provision of an improved public realm with high-quality hard and soft landscaped areas.	The subject site is currently underutilised predominantly vacant with no permanent structures on the site. The immediate neighbouring environment is mixed in character and generally low-rise in height, consisting of a 3-storey cinema building to the east, a mix of low-rise commercial uses to the north and east and Dungarvan Shopping Centre to the south. There is therefore no defining character to the immediate area of the appeal site. I would note from the submitted elevation drawings and the Design Statement Report that the proposed development will comprise high-quality, fine-grained frontage onto Richard A. Walsh Street, with visual variety and creating strong built edge and providing extensive,

		and active, street frontages. The proposed ground floor café onto Richard A. Walsh Street provides an active use onto the street and the first-floor residential uses will generate evening activity and provide natural surveillance ensuring activity on the street throughout the day, thereby adding to the vibrance of the street. The proposal includes a public open space providing high-quality public realm to the front of the site adjacent to the Richard A. Walsh Street / John Treacy Street junction, consisting of various forms of hard and soft landscaping, seating areas, featured covered walkway, bike parking, feature lighting and informal play area. The public realm is usable and an integrated element in the design of the development and softens the visual impact of the proposed development and provides a gateway into the town centre. I would consider that the public open space provision is high-quality, as demonstrated in the submitted landscape plans. The proposal provides for enhanced connectivity and integration to the wider area as the development design provides for future connections to adjoining sites and also specifically
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		provides a pedestrian/cycle link through the site from Richard A. Walsh Street and Waterford Greenway, located at Davitt's Quay, that will encourage sustainable and active modes of transport. In relation to the placemaking strategy refer to para. 8.7 below. I am satisfied that the placemaking strategy for the proposal is of a high standard and adequately meets the objective of this criterion. I note from the submitted Engineering Design Technical Report and the Landscape Design Rationale that the proposal provides for a SuDS strategy. This includes the provision of a Blue Roof on Building B2 to manage surface water and contribute to attenuation at source. The public realm, which includes tree pits and bio-retention system will provide additional storage and controlled discharge during storm events. I am therefore satisfied that the landscaping incorporates SuDS and nature-based solutions. In conclusion I am satisfied that the proposal provides visual improvements to the streetscape and responds positively to the surrounding established environment by reason of the design, layout and connectivity and meets
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		the objectives of this criterion.
<i>Where appropriate it is an objective to protect the vistas and settings of protected structures and the streetscape by the retention of vernacular houses, rubblestone walls, water pumps, post boxes etc., as identified on the NIAH survey.</i>	The applicant's Planning Report confirms no protected structures on the site or located on any adjacent sites.	There are no protected structures on the site, or in the immediate area that would be impacted by the proposed development. There are no protected views or prospects within the surrounding area. I am therefore satisfied that the proposal would have no adverse impacts on architectural heritage.
<i>Any development which is in an Architectural Conservation Area shall have regard to the planning guidance set out in Chapter 11 of the Development Plan.</i>	Appeal site located outside ACA.	Although Dungarvan town centre is a designated ACA, the appeal site is located outside the ACA. The development will not impact on the ACA.
<i>In addition to compliance with other national, regional and local development plan policies and development management standards, all developments on regeneration/opportunity sites will be required to demonstrate that:</i> <i>1) The scale of proposed development is consistent with the class/ typology of settlement as set out in the Settlement Strategy;</i>	The applicant submits that the scale of the development is appropriate having regard to Dungarvan's position within the settlement and retail hierarchy for the county.	The total gross floor area of the proposed development is 8,205 sq. m., and the total net retail floor space is 4,350 sq. m., representing a sizable scale of development. In terms of planning policy Dungarvan is a designated 'Key Town' in the SRA RSES. RPO 24 (Dungarvan) of the RSES includes an objective to strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and to build upon its inherent strengths including its retail services. The Settlement Hierarchy of the CDP also designates Dungarvan as a 'Key Town', which is the

		second settlement tier in the county settlement hierarchy, after Waterford City. In addition, Dungarvan is designated as a Level 2 (Sub Regional – Key Town) in the CDP County Retail Hierarchy. I would consider, having regard to regional and local policy objectives, that the retail provision would be of an adequate level, type, size, scale and the nature of the floorspace proposed would be appropriate to Dungarvan having regard to the retail hierarchy. I have concluded below, in para 8.5, that the development would not adversely impact on the town centre vitality and viability, and is consistent with the Retail Planning Guidelines (2012) and the Retail Strategy (Appendix 4 of the CDP). I am therefore satisfied that the scale of development proposed would be an appropriate scale consistent with Dungarvan's role as an urban centre with significant influence in a sub-regional context and as a key shopping destination.
<i>2) The proposal is compatible with the context of the site in terms of character, scale and density;</i>	Applicant submits that the scale and density of the development will provide for suitable integration with existing urban context	I am satisfied that the setting of the two 2-storey buildings, which includes active street frontage and high-quality elevation design onto Richard A. Walsh Street and incorporates high-quality public realm providing for connectivity

		to the wider area, would not be visually intrusive and would not represent an injurious form of development on the site, and that this approach would result in successful integration into the character of the area.
3) <i>The proposal will contribute to the visual and general/residential amenity of the site and its built quality;</i>	Applicant submits that the proposed apartments will provide for a sustainable mix and the proposed floor areas exceed the minimum requirements of the Guidelines, therefore providing a good standard of residential amenity.	The proposal would enhance the visual amenity of the area and contribute to the built quality. Refer to subsequent table below and assessment in relation to DTOS01 Vision criteria no. 1. The proposed 4 no. residential units at first floor level of Block A would be provided with floor areas exceeding minimum standards, suitable standards of private amenity space and all apartments with dual aspect orientations. Refer to para. 8.6 below I would be satisfied that the development would adequately contribute to a good standard of visual and residential amenity.
4) <i>The proposal for any site should be accompanied by a program for developing out the site in terms of access to public water/wastewater, innovative solutions to wastewater such as integrated constructed wetlands and other services along with a completion timeframe;</i>	The application documentation includes engineering service drawings and report.	I would have regard to the applicants submitted Engineering Design - Technical Report. The report outlines that the foul sewage from the proposed development will discharge by gravity flow to an existing pipe network within the site and join the existing foul sewer network for Dungarvan. Although there is no correspondence on the

		file from Uisce Eireann, I note that the PA Planner's Report submits that a wastewater and water connection can be facilitated without infrastructure upgrades by Uisce Eireann. The applicant's Report also outlines that proposed SuDS measures include 2 no. bio-retention areas, blue roofs, tree pits slot drains, and underground attenuation with controlled discharge to existing services. I would be satisfied that the wastewater and water services for the proposed development would be adequate, and can be satisfactorily addressed by condition, should the Commission favour granting permission.
<i>5) The proposal will not prejudice the future development of land in its vicinity and the expansion of public amenities or community land uses such as schools.</i>	The applicant's Phased Regeneration Framework for DTOS01 Report submits that the proposal will not prejudice the future development of land in its vicinity and the expansion of public amenities or community land uses.	The appeal site forms part of a larger site with a CDP objective for regeneration. However, I would be satisfied, having regard to the applicant's submitted Report for the Phased Regeneration Framework for DTOS01, that the proposal would not prejudice the future development of land in its vicinity. On the contrary the Report sets out a regeneration scenario, structured across four phases, which balances existing uses with future development potential which I would consider an acceptable approach and ensures that the development of the appeal site, as proposed

		would not prejudice the future development of land in its vicinity.
<i>The vision statement for each opportunity site should be read in conjunction with Policy Objective H05 'Regeneration Policy Objectives'.</i>	Applicant submits that this is noted.	I would be satisfied that the proposed development, having regard to the above considerations and given the location of the subject site, which is currently an underutilised brownfield site, would maximise the efficient use of existing infrastructure and services and promote a positive modal shift towards sustainable transport use, given its proximity to the town centre and potential for future pedestrian/cycle connectivity, and would thereby facilitate sustainable, compact, sequential regeneration and redevelopment of this urban area. I am therefore satisfied that the proposed vision for the redevelopment of the subject site would be consistent with CDP Policy Objective HO 5.

8.3.7. In conclusion therefore I would be satisfied, having regard to the considerations above, that the proposed development would adequately meet the General Objectives for Regeneration' of Appendix 21 (Regeneration and Opportunity Sites) of the CDP.

8.3.8. Compliance with Site Specific Regeneration Objective DTOS01

8.3.9. I would acknowledge that site-specific regeneration objective DTOS01 of Appendix 21 of the CDP includes additional site-specific criteria, and I have included this criterion and assessment in the following table.

DTOS01 Vision	Assessment
<i>Development on this key strategic underutilised site should provide strong architectural design as a key landmark or gateway to Dungarvan Town</i>	I would note from the applicant's Design Statement Report that a key objective of the design rationale is to deliver a strong architectural design, acting as a landmark and gateway to the town. The southern elevation design of Block 1 is contemporary in nature, and extensive glazing is used, and the materials are mixed with the traditional materials of natural stone with contemporary cladding material to create a visually interesting elevational treatment. I would be of the view that the proposed materials are high quality and well considered. The modulation of the building height for Block 1, as it faces onto Richard A. Walsh Street, also provides visual interest and avoids long uninterrupted walls and monolithic built forms. The front building line of the southern elevation of Block 1 provides for setbacks which reduces mass and provides visual interest. I would consider that the introduction of a public realm / public open space at the junction of Richard A. Walsh Street / John Treacy Street, having regard to the high-quality paving and landscaping proposed, would provide an inviting public open space with public walkways that will enhance the site's permeability and connectivity to the wider area. The open space also provides passive and active space for the community. The overall enhancement of the public realm provides for connectivity through the site and potential for further pedestrian/cycle connections to Davitt's Quay, thereby providing a gateway to the town centre and a successful integration into the character of the area. Further, I would also acknowledge that as the overall regeneration site is extensive in size, stretching from lands adjoining the N25 to the west to Richard A. Walsh Street, there is therefore scope to provide further strong architectural design as a key landmark throughout the wider site. I am satisfied the setting of the proposed development, with active street frontage onto Richard A. Walsh Street would not be visually intrusive and would not represent an injurious

	form of development on the site, and that this approach would result in successful integration into the character of the area and an enhancement of the public realm, thereby delivering a strong architectural design as a gateway to the town.
<i>Future developments shall comprise a high-quality design, fine grained active frontage blocks providing a strong built edge</i>	I would note from the applicant's Design Statement Report that the key objective of the design rationale is active streets and high-quality public spaces through the incorporation of active ground-floor frontages and distinctive landmark architecture at key arrival points. The development will comprise high-quality, fine-grained active frontage blocks, creating strong built edge and addressing extensive street frontages. I have noted above that the proposed materials to the primary elevation of Block 1, which faces onto to Richard A. Walsh Street provides visual interest and high-quality materials. The proposal provides for an active ground floor use, facing into Richard A. Walsh Street, in the form of a café, which will contribute to the street activity and establish an engaging streetscape. The proposed first floor apartments, with the provision of balconies facing onto Richard A. Walsh Street will provide natural surveillance of the street. The design, layout and built form provides for positive attributes of the site to create a distinctive development with an increased density and scale, within a landscaped setting, that provides connectivity to the town centre and the wider area.
Any development should consist of town centre and retail uses.	The uses proposed, which include retail convenience, retail comparison, café and residential are all permitted in principle uses for the town core (town centre) land use zoning objective in accordance with Table 11.2 'Zoning Matrix' of Volume 2 - Development Management Standards of the CDP. I would be satisfied, based on the uses proposed and having regard to Table 11.2 'Zoning Matrix' of the CDP, that the proposed development would meet the objectives of this criterion.

<i>Any development should address the extensive street frontages and be designed to an exceptional standard</i>	The proposal provides for a defined street frontage onto Richard A. Walsh Street which will enhance the existing inactive frontages, thereby strengthening the visual and functional character of the area. This proposed street frontage is complimented by high-quality public realm that will encourage engagement and provide quality passive spaces.
<i>Any development proposal shall facilitate active linkages through the site from the Shandon Roundabout and N25 to Walsh Street (L2060)</i>	The development design provides for a pedestrian/cycle link from Richard A. Walsh Street towards Davitt's Quay which would provide for connectivity to the Waterford Greenway. This would therefore provide for enhanced permeability through improved linkages and public realm interventions that encourage sustainable and active modes of transport. I would therefore be satisfied that the provision of a new pedestrian/cycle link with connectivity to the wider area would meet the objectives of this criterion.
<i>Potential for multi-storey car parking.</i>	Car parking provision is surface car parking. No multi-storey car parking is provided. I would consider this an acceptable approach for the site, given the scale of car parking provided for the proposed development. Refer to para. 8.8 below. Notwithstanding, the extent of the regeneration site DTOS01 beyond the appeal site would have further scope for multi-storey car parking provision.

8.3.10. Conclusion

8.3.11. I would be satisfied, having regard to the above considerations, that the development as proposed would be consistent with the Regeneration Objective DTOS01, that pertains to the appeal site. In addition, and in considering the proposed development, relative to the previous development and the decision by the Board to refuse permission for that development, an important consideration is Variation no. 1 to the Waterford City and County Development Plan, 2022 – 2028, which was

subsequent to the previous decision on the site and amended the vision for the site-specific objective DTOS01. I note specifically that the Variation no. 1 to the plan omitted the objective

‘any development should be mixed use high density with emphasis on employment, tourism, apartments, and town centre uses’

8.3.12. This was replaced with

‘any development should consist of town centre and retail uses’

8.3.13. I would therefore conclude, having regard to the proposed development's compliance with the CDP regeneration objectives, as set out above, and Variation no. 1 to the CDP, which changes the nature of the uses envisaged on the subject site, that the proposed development, would, in my opinion, satisfactorily address refusal reason no. 1 in the previous appeal, i.e. ABP-319058-24.

8.4. Retail Impact Assessment

8.4.1. Appeal grounds include the proposal will have a negative impact on the town centre, adversely impacting on the vitality and viability of the retail core, and failure to apply the sequential approach represents a fundamental breach of retail policy, and development is contrary to the CDP objectives and the Retail Planning Guidelines.

8.4.2. The Retail Planning Guidelines (2012) endorse the primacy of the town centre, and it is a national policy to promote greater vitality in city and town centres. In this regard the guidelines promote the principle of the sequential test and state that the preferred location for new retail development is within city and town centres.

8.4.3. In this regard I would note that Figure 4.4 of the CDP defines the Core Retail Area (CRA) for Dungarvan Town Centre, and the appeal site is located to the immediate north of the CRA, and as such the subject site can be defined as ‘edge-of-centre’.

8.4.4. Section 4.12.5 and Policy Objective Retail 03 of the CDP is clear in that where the location of a proposed retail development is in an edge-of-centre location, a sequential test must be applied in line with the Retail Planning Guidelines (2012).

Furthermore, CDP Policy Objective Retail 06 is relevant, and this requires a Retail Impact Assessment to support applications of significant retail development which due to their nature, scale and/or location, may impact on the vitality and viability of a key town, such as Dungarvan.

8.4.5. Sequential Test

Appendix A of the applicant's submitted Retail Impact Statement (RIS) includes a sequential test. This sequential search assesses 4 no. available sites, all located on the edge-of-centre. I have examined the Sequential Test and generally the applicant has discounted all of these sites mainly on grounds of inadequate size, which would not be suitable for the scale of the retail floorspace proposed. I would generally agree with the conclusions of the sequential test, that the sites presented in the RIS would not offer an alternative to the appeal site for accommodating the proposed development.

8.4.6. In addition to the submitted sequential test, I would also note that the CDP Retail Strategy (Appendix 4) refers to the vacancy rates in 2019 in Dungarvan as 14.5%, and in the core shopping area of Dungarvan there was 14 no. vacant units. The CDP Retail Strategy (Appendix 4) notes that Grattan Square was free of vacancy, as was High Street and Dungarvan Shopping Centre, at the time of the survey on the 4th of September 2019.

8.4.7. I would acknowledge that the applicant's RIS includes a vacancy survey (December 2025) of the town centre, and overall the survey concludes that the number of vacant units has not altered significantly from the 2019 survey. In addition, I noted during my site assessment that Dungarvan Shopping Centre had no vacancies, and both Grattan Square and Main Street were close to full occupancy at the time of my site inspection.

8.4.8. The applicant's RIS submits that the town retail core is operating successfully. The apparent success of the town retail core, combined with the limited size of town centre sites due to the prevailing plot sizes which are typically small scale, and its location within an Architectural Conservation Area, would therefore, in my view, further limit the potential for the proposed development to locate in the designated Core Retail Area. Therefore, I would conclude that it has been adequately

demonstrated that there are no sites or potential sites including vacant units within a town centre or CRA that are (a) suitable (b) available and (c) viable, and as such an edge-of-centre site can be considered in this instance.

8.4.9. Town Centre Vitality and Viability

CDP Policy Objective Retail 06 requires a Retail Impact Assessment to support applications of significant retail development which due to their nature, scale and/or location, may impact on the vitality and viability of a key town, such as Dungarvan.

8.4.10. The regional policy context for Dungarvan is a relevant consideration. The RSES designates Dungarvan as a 'Key Town' and sets out a number of objectives for the town centre. RSES RPO 24 (Dungarvan) includes an objective to strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and to build upon its inherent strengths including its retail services.

8.4.11. I would note that the applicant's submitted RIS argues that the population of Dungarvan has grown significantly since the development of the Dungarvan Shopping Centre, which opened in 2004, and little has been provided in the town by way of additional retail floorspace since that period, other than Lidi and Aldi discount stores. Further the RIS argues that the introduction of the proposed retail format adjacent to the town centre retail core would strengthen the role and function of the town centre.

8.4.12. The RIS includes a quantitative assessment, and I would note from the RIS, that based on the 2022 Census figures, the population of the Dungarvan retail catchment area (illustrated in Fig. 53 of RIS) confirms that the population in 2022 was 32,636, which represents an increase of 8.25% from the 2016 Census. This increase in population is above the national average increase of 8%. In addition, the population of Dungarvan town increased by 9.2% from 9,227 to 10,081, in the same intercensal period. These population growths would provide for a larger spending capacity within the retail catchment area.

8.4.13. The RIS presents expenditure figures as stated in the Retail Strategy of the CDP and indicates that it is evident from the retail expenditure figures that there will be

sufficient capacity in terms of convenience and comparison expenditure within the catchment area going forward to accommodate additional retail as proposed.

- 8.4.14. I would therefore acknowledge and accept that the RIS has adequately demonstrated that there is retail capacity for the proposed development. Further the RIS demonstrates that it can be assumed that significant leakage of convenience and comparison expenditure from West Waterford would occur, without the proposed development.
- 8.4.15. I would therefore acknowledge that the Dungarvan retail catchment can accommodate the proposal along with all existing retail developments and without resulting in a negative impact on existing stores. In support of this position, I would note that the Retail Strategy (Appendix 4 of the CDP) does not rule out the potential for additional comparison and convenience retail in Dungarvan to the scale proposed in this application. Section 6.9.6 of the Retail Strategy states that floorspace capacity figures quoted are not upper limits and are to be seen as a minimum rather than maximum targets.
- 8.4.16. Having considered the Retail Impact Statement including the population growth and projections and expenditure statistics, it is considered that the justification for the proposal is acceptable and would not adversely impact on the vitality and vibrancy of the town centre including its retail offering.

8.4.17. Conclusion

I am satisfied therefore having regard to the submitted Retail Impact Statement, that it has been adequately demonstrated that the proposed edge-of-centre site is acceptable for the proposed development and consistent with the provisions of the CDP and the Retail Planning Guidelines (2012), and furthermore it has been adequately demonstrated that the proposed development would not adversely impact on the vitality and viability of the town centre.

8.5. **Compact Growth**

- 8.5.1. Appeal grounds include the proposal neither achieves compact growth nor appropriate density.

- 8.5.2. The Commission will note that a fundamental national, regional and local planning policy objective is achieving compact growth to address town centre first, realising sustainable development and to combat climate change and its impacts.
- 8.5.3. The appeal site is located south of the N25 ring road which bypasses the town centre, and although the site is zoned 'RE' (Regeneration) in accordance with the CDP provisions, the appeal site adjoins sites to the south and east which are zoned 'Town Core' in accordance with the CDP. A neighbouring site to the immediate west of the appeal site, and also south of the N25, is zoned 'General Business'. Accordingly, I would consider that the general character of the area, is either town centre or adjoining town centre.
- 8.5.4. The appeal site is a strategic site within the context of Dungarvan, and this is identified in Appendix 21 of the CDP, as the site is a designated regeneration site with the site-specific objective of DTOS01, and a key vision for the site is that any development should consist of town centre and retail uses.
- 8.5.5. Section 2.14.1 of the CDP refers to these designated regeneration sites as '*been identified for their capacity to deliver regenerative, compact and sequential growth in the larger settlements*'. The proposed entrance to the development proposal is approximately 450m from Grattan Square, the town centre, which is approximately a 5-minute walk, which illustrates the proximity of the subject site to the town centre.
- 8.5.6. I note the submitted appeal arguments that the proposed scheme is not of sufficient scale to achieve compact growth, however the total gross floor area of the proposed development is 8,205 sq. m., which is significantly larger than the proposed gross floor area in the previous application, which amounted to c.3,929 sq. m.
- 8.5.7. I would conclude on the basis of the above that the proposed development, owing to its location as described above and having regard to the scale of development would positively contribute to compact growth and would therefore be consistent with Policy Objective CS 03 (Compact Growth) of the CDP, RPO 35 in the RSES and NPO 9 (compact growth) of the NPF.

8.6. **Residential Amenity**

- 8.6.1. I would acknowledge that the residential amenity of the proposed 4 no. apartments is not raised in the appeal grounds, however for completeness I have reviewed the applicant's submitted floor plans for the 4 no. units.
- 8.6.2. I can confirm to the Commissioners that all the proposed floor areas for the 4 no. apartments would exceed the minimum apartment standards for floor areas as required in the County Development Plan and the Apartment Guidelines (2025), therefore providing a good standard of residential amenity for future occupants.
- 8.6.3. I would also acknowledge that the private open space provision for the proposed apartments, comprising of balconies, would also exceed those of the minimum requirements for apartment units in both the CDP and the Guidelines (2025).
- 8.6.4. In addition, the 4 no. apartments have dual aspect orientations which would exceed the minimum requirements of SPPR 3 (Dual Aspect Ratios) of the Guidelines (2025). Furthermore, I would also note from the submitted floor plans that the bedroom areas in all the proposed units would exceed the minimum requirements for apartments in the Guidelines (2025). Moreover, the storage provision for each of the apartment units would meet or exceed the minimum requirements for apartments in the Guidelines (2025).
- 8.6.5. In conclusion therefore I am satisfied that the proposed 4 no. residential apartments would provide a good standard of residential amenity for future occupants and is consistent with the minimum requirements of the CDP and the Apartment Guidelines (2025).

8.7. **Placemaking**

- 8.7.1. Appeal grounds include proposal fails to meet the design requirements of a gateway location, the development comprises of inappropriate street frontage and is dominated by surface car parking, scheme fails to create a sense of place and the lack of high-quality placemaking is a significant failure.
- 8.7.2. The CDP includes a strategic objective for Placemaking which is to promote a diverse choice of places which are attractive, of high-quality design, centred on the human scale and accessible to all. I would acknowledge that key component of the

Placemaking Strategy (Appendix 5 of CDP) is to ensure that development proposals are cognisant of the need for proper consideration of the 'Urban Design Manual - A Best Practice Guide' (DoEHLG, 2009), and this is consistent with CDP Policy Objective Place 10 which requires that all medium to-large scale and complex planning applications including commercial development over 500 sq. m. shall submit a 'Design Statement' and shall be required to demonstrate how the proposed development addresses or responds to the design criteria set out in the 'Urban Design Manual - A Best Practice Guide' (DoEHLG, 2009).

- 8.7.3. The application documentation includes a Design Statement Report, Landscape Design Rationale, and a Phased Regeneration Framework for DTOS01, which sets out the placemaking and the design strategy for the proposed development. I have considered the proposed development relative to the design criteria set out in the 'Urban Design Manual - A Best Practice Guide' (DoEHLG, 2009), in table form below.

Design Criteria	Assessment
Context	The receiving environment is low rise in height and has no defining character, the proposal comprising of two-storey heights with high-quality design and public realm is considered to respond positively to the surrounding established development by reason of the design and layout which would enhance connectivity within the site and with the wider area.
Connectivity	The development design provides for a pedestrian/cycle link from Richard A. Walsh Street to Davitt's Quay, adjacent to the Waterford Greenway, through enhanced public realm interventions which will encourage sustainable and active modes of transport.
Inclusivity	Proposal is universally accessible and includes accessible public open space and high-quality public realm.
Variety	Provides for a mix of uses and the uses are compatible with each other. The residential

	units will add to the choice available in the town centre.
Efficiency	The proposal would result in an intensification of an underutilised site with a higher density which would represent a more efficient use of serviced and accessible land.
Distinctiveness	The design, layout and built form provide positive attributes of the site to create a distinctive development with an attractive and engaging street frontage and includes a landscaped setting and overall provides increased density and scale.
Layout	The layout provides for an accessible public open space / plaza at the front of the site encouraging pedestrian permeability and includes an engaging and functional street that serves to enhance the visual appeal of the development, while offering a public amenity.
Public realm	High-quality public realm and public amenity open spaces are proposed consisting of various forms of hard and soft landscaping and includes seating areas, featured covered walkway, bike parking, feature lighting and informal play area. The public realm is usable and an integrated element in the design of the development.
Adaptability	The proposed apartments exceed the minimum standards in the Apartment Guidelines (2025) and are universally accessible.
Privacy and amenity	Refer to para. 8.6 above. The proposed apartment units would be provided with suitable standards of minimum floor areas, private amenity spaces and dual aspect orientations, as such providing good standards of amenity and privacy.

Parking	Refer to para. 8.8 below. The proposed car parking provision is acceptable and consistent with CDP provisions.
Detailed Design	The southern elevation design of Block 1 is contemporary in nature, and extensive glazing is used, and the materials are mixed with the traditional materials of natural stone and with contemporary cladding material to create a visually interesting elevational treatment. I would be of the view that the proposed design is high quality and is of visual interest.

8.7.4. **Conclusion**

8.7.5. In conclusion, I consider that the proposed development, having regard to the above considerations, has appropriately addressed the design criteria set out in the 'Urban Design Manual - A Best Practice Guide' (DoEHLG, 2009), and therefore delivers a good standard of placemaking for the proposed development consistent with the requirements of the Placemaking Strategy (Appendix 5 of CDP) and Policy Objective Place 10 of the Development Plan.

8.8. **Traffic and Access**

8.8.1. Appeal grounds include high traffic volumes along Richard A. Walsh Street adjacent to the proposed entrance, there is a service yard entrance with articulated vehicles completing deliveries throughout the day, and the Roads Section of WCCC identified the applicant's Traffic Impact Assessment was incomplete and insufficient and as such the impacts of the development therefore have not been properly assessed, rendering the PA's decision premature.

8.8.2. **Traffic Impacts**

In terms of traffic implications of the proposed development appeal grounds, as noted above, conclude that the traffic impacts of the development have not been properly assessed. I would note that the applicant submitted a Traffic Impact Assessment (TIA) to determine and quantify the extent of additional trips generated

by the development, and the impact of such trips on the operational performance of the local road network and junctions.

8.8.3. The TIA includes traffic counts, undertaken on the 21st of January 2026, which was during school term, from 7am to 7pm. The traffic counts were carried out on the following nearby junctions to the development proposal.

- N25 Shandon Roundabout
- Shandon St. / Davitt's Quay / Walsh St. Roundabout
- John Treacy St. / Walsh St. Priority Junction
- N25 Fairlane Roundabout

8.8.4. Following the traffic counts the TIA applied TRICS trip rates to the development proposals in estimating trip distribution rates for the above junctions and the proposed development access. I would acknowledge that the TIA, using growth rates published by TII, estimates the traffic impact for 2028, 2033 and 2043 on the basis of do-nothing (without development) and a do-something scenario (with development) in the same yearly intervals, on the above junctions.

8.8.5. I have reviewed the submitted TIA, and it is evident, based on the above methodology, with the retail operational and an increase in background flows that the roundabouts and junctions above, including the proposed development access, will operate within capacity with small queues and delays during the AM and PM peak hours.

8.8.6. Overall, I would be satisfied based on the submitted TIA that the roundabouts and junctions assessed above, including the proposed development access, would all operate within capacity, and that the added flows resulting from the proposed development would not have adverse traffic impacts on these roundabouts and junctions. Accordingly, I would consider that the traffic impacts of the proposed development would be acceptable on the local road network.

8.8.7. Traffic Safety

8.8.8. The application includes a Road Safety Audit 1/2 and I would note that the RSA has proposed two recommendations to address safety concerns in respect of mobility

impaired pedestrians to directly access footpaths adjoining accessible parking spaces and uncontrolled access along internal pedestrian crossings.

8.8.9. The Stage 1/2 Road Safety Audit confirms that any features of the design have been removed or identified in order to improve the safety of the proposed development.

8.8.10. I would consider that the submitted RSA has addressed any traffic safety issues, and further I would note from the PA's response submission that the Council's Road's Section concluded that all issues can be resolved by condition. I would consider any issues in relation to vehicular access can be satisfactorily addressed by condition, should the Commission favour granting permission.

8.8.11. Car Parking

The proposed development provides for a total of 154 surface car parking spaces. I would note from the TIA submitted that the applicant has estimated, having regard to the requirements of the CDP, that the car parking provision for the proposed development is 191 spaces, whereas the PA Planner's Report has calculated that the required car parking provision for the proposed development is 134 spaces, which would ensure that the proposal provides adequate car parking provision.

8.8.12. Table 7.1 'Car Parking Standards', Volume 2 – Development Management Standards, of the CDP sets out the car parking requirements, and I would consider that the car parking requirements for the proposed development is as follows.

Development	CDP Requirements	Parking Spaces
Retail (shops/Supermarket)	1 Space per 50 sq. m.	35
Retail (non-food)	1 Space per 25 sq. m.	103
Café (restaurant)	1 Space per 30 sq. m.	5
Residential	Town centre (0 spaces)	0
Total		143

8.8.13. As noted above the proposed development provides for 154 no. car parking spaces, and the required car parking provision, having regard to the development

management standards of the CDP, in my view, is 143 car parking spaces. Accordingly, and having regard to the above considerations, I would consider that the car parking provision for the development would be acceptable.

8.9. **Flood Risk**

- 8.9.1. Appeal grounds include the site is partially located in Flood Zone A and B, compliance with the sequential approach to flood risk not demonstrated, and that a grant of permission is premature.
- 8.9.2. The application documentation includes a Site-Specific Flood Risk Assessment. I would note from the SSRA that the screening assessment indicates that the primary potential flood risk to the site of the proposed development can be attributed to an extreme tidal/coastal flood event in the Colligan River Estuary.
- 8.9.3. The SSFA reviewed the OPW CFRAMS fluvial flood extent maps for the area, these indicate that the site of the proposed development is not a particular risk of fluvial flooding in consideration of the occurrence of an extreme 1% AEP (1 in 100 year) or 0.1% AEP (1 in 1000 year) for fluvial flood event. The screening assessment also indicates the site of the proposed development is not susceptible to pluvial or groundwater flooding. Therefore, the site is not considered to be at risk from fluvial, pluvial or groundwater flooding.
- 8.9.4. On this basis, the primary flood risk mechanism to the site of the proposed development can be attributed to a potential extreme tidal/coastal flood event.
- 8.9.5. The SSFA has identified, having regard to CFRAMS predictive present-day scenario 0.5% AEP (1 in 200 year) and 0.1% AEP (1 in 1000 year) coastal/tidal flood levels in the Colligan River Estuary upstream of the site of the proposed development are 2.62m OD and 2.83m OD respectively.
- 8.9.6. I note from section 9.0 of the SSFA that the finished floor level of the proposed buildings are 3.90m OD and 3.75m OD respectively.
- 8.9.7. The SSFRA recommends a minimum freeboard of 0.6m, which would require a minimum finished floor area for the structure of 3.22m OD (2.62m + 0.6m) and 3.43m OD (2.83m + 0.6m). As such the respective floor areas of 3.90m OD and 3.75m OD would be situated adequately above the recommended minimum finished floor

levels. I would be satisfied based on the submitted SSFRA and having regard to the finished floor levels of the proposed development, that the risk of flooding would be mitigated and the development as proposed would be acceptable in terms of flood risk. Furthermore I would note that the Environment Section of the PA have not objections to the proposed development.

- 8.9.8. The SSFRA notes that a small area of the proposed car park adjoining the northern and western boundaries of the site, fall below the recommended minimum level of 3.22m OD, however the SSFRA proposes mitigation measures to address this. The mitigation measures include flood risk management measures, flood resistance measures, flood resilience measures and flood evacuation plan which I would consider an acceptable approach.
- 8.9.9. Overall, I would be satisfied that the proposed development on the subject site which is zoned RE 'Regeneration' and is a brownfield site adjoining the town centre, in a town designated as a 'Key Town' which is targeted for growth in accordance with the NPF, is acceptable as the flood risk to the proposed development site can be adequately managed, and the use or development of the lands will not cause unacceptable adverse impacts elsewhere.

9.0 AA Screening

- 9.1. I have considered case PL-501231-WD-26 in light of the requirements S177U of the Planning and Development Act, 2000, as amended.
- 9.2. The closest European Site, part of the Natura 2000 Network, is the Dungarvan Harbour SPA (Site Code: 004032) located 80m-90m to the northeast of the subject site.
- 9.3. Having considered the nature, scale and location of the project in a fully serviced urban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- The location of the site on developed serviced lands.
 - The absence of any ecological pathway from the development site to the nearest European Site.

- 9.5. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.
- 10.2. The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge.
- 10.3. These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management.
- 10.4. The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the nature of the proposed development, the RE 'Regeneration' zoning objective of the site, the site-specific regeneration objective DTOS01 and other policies and objectives of the Waterford City and County Development Plan,

2022 – 2028, the design, height and layout of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not have a detrimental impact on the vitality and viability of the town centre, would not seriously injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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

Reason: In the interest of clarity.

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

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

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

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

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

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

5. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the occupation of the development.

Reason: In the interest of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

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

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

8. Proposals for a numbering scheme for the 4 no. residential apartments and associated signage for the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and numbers for residential units, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. A scheme indicating all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. No additional development shall take place above roof parapet level of Building 1 or Building 2 including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development.

12. The management and maintenance of the 4 no. apartments following completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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

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

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

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

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in

particular, recyclable materials within each residential unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

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

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Kenneth Moloney
Senior Planning Inspector

7th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501231-WD-26
Proposed Development Summary	Mixed-use development comprising the construction of 2 two-storey retail buildings.
Development Address	Richard A. Walsh Street, Dungarvan Co. Waterford, (Part of the former Glanbia Site).
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) of Part 2: threshold 500 dwelling units. Class 10(b)(iv) of Part 2: threshold 2 ha.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)

No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501231-WD-26
Proposed Development Summary	Mixed-use development comprising the construction of 2 two-storey retail buildings.
Development Address	Richard A. Walsh Street, Dungarvan Co. Waterford, (Part of the former Glanbia Site).
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development is to consist of a mixed-use development comprising of net retail comparison floor area of 2,587 sq. m., net retail convenience floor area of 1,763 sq. m., 4 no. apartments and café. The project would cause physical changes to the appearance of the site during the construction and operation (occupation) phases. However, the former would be temporary in nature and not significant, and the latter are associated with new buildings, boundaries, and landscaping. These are within acceptable parameters for this urban zoned site and the receiving area. During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise

	during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition. The development, by virtue of its mixed-use nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance. The nearest designated site to the appeal site is the is the Dungarvan Harbour SPA (Site Code: 004032) located 80m-90m to the northeast of the subject site. The Helvic to Ballyquin SPA (Site Code: 004192) is located 7 km to the southeast, and the Mid Waterford Coast SPA (Site Code: 004193) is situated 8.3 km to the east. Helvic Head SAC (Site Code: 000665) is located 7.2 km southeast and Glendine Wood SAC (Site Code: 002324) is situated 3.6km to the northeast. Blackwater River SAC (Site Code: 002170) is located 6.3km southwest. I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.
Types and characteristics of potential impacts	Having regard to the urban site and the scale of the proposed development and the nature of construction works associated with the development, its location on a fully serviced site, the likely limited magnitude and

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	~~Schedule 7A Information required to enable a Screening Determination to be carried out.~~
There is a real likelihood of significant	~~EIAR required.~~

effects on the environment.	
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)