



Submission to Draft Waterford City and
County Development Plan 2022-2028
In Respect of Lands at Duckspool,
Dungarvan, Co. Waterford

On behalf of Mr. Michael Ryan

KPMG-FA

August 2021



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Document review and approval

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Executive Summary

This submission to the *Draft Waterford City and County Development Plan 2022-2028* has been prepared by KPMG Future Analytics on behalf Mr. Michael Ryan in respect of a site at Duckspool in Dungarvan, Co. Waterford.

The subject site is presently zoned as 'R1' (Residential – Medium Density), 'R2' (Residential – Low Density) and 'R3' (Residential – Phased) residential uses in the extant *Dungarvan Town Development Plan 2012–2018* (with an 'OS – Open Space' zoning to the immediate east). However, the Draft Plan proposes to rezone the subject site to a 'Green Belt and Conservation – GBC' zoning (GZT: G3).

Mr Ryan respectfully requests that Waterford City and County Council retain a residential zoning at the subject site; specifically designating it as 'New Residential Medium Density – NR (M)' (GZT: R1.3).

The basis for retaining a residential zoning at the subject site is founded on a series of key observations in relation to: (1) land-use zoning and sustainable development, (2) flood risk and (3) ecology.

Land-use Zoning and Sustainable Development

- When compared with zoned residential sites in the Draft Plan, **the subject site is the best** in terms of proximity to Dungarvan town centre, public transport and key community services and infrastructure (schools and childcare).
- Informed by the above, and noting its location within the Dungarvan settlement, **the subject site is deemed to be a highly sustainable location at which to deliver much needed housing** for the town, by way of compact urban growth.
- A review of zoned residential sites indicates that several are already committed to / planned for development or not likely to come forward for development during the lifetime of the plan, with 1 no. single site noted to account for 62% of the total zoned residential area. Therefore, **it is vital that the subject site is zoned to meet the expected shortfall in zoned residential area.**

Flood Risk

- The Draft Plan identifies the site as being within Flood Zone A but **does not recognise and accept the presence of flood defences at Duckspool.** This is despite their incorporation into CFRAM Study mapping.

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- The residential development of lands in flood zone areas is acceptable on the basis that **the lands are defended, and no increased risks are exerted elsewhere.**
- This flood defence, which has been provided with the investment of significant public monies, means that the **subject site can be developed for residential use once said development is within the defended areas.**
- To now not zone and develop these defended areas **would be to negate the expenditure of public funds** and could be used as a means to **justify their reduced maintenance** and the creation of greater risk in other areas locally.
- A Development Plans Justification Test was undertaken and **reveals that zoning the subject site for residential development is necessary to support the timely and sustainable delivery of housing in Dungarvan** at a location that will drive compact urban growth, support the creation of critical mass and promote the use of active modes of transport.
- The detailed **Site-Specific Flood Risk Assessment prepared by OCSC indicates that development at the subject site is feasible and appropriate** noting it as being defended and defining development with finished floor levels of 3.42mAOD.

Ecology

- It is noted that various wintering bird species (qualifying interests of the SPA) forage at the subject site, although **the site is entirely outside of the Dungarvan Harbour SPA.**
- A wintering birds assessment identified that the various **species frequent a series of other easily accessible sites beside the SPA and are not reliant on any single site**, including the subject site.
- A thorough assessment of landholdings proximate to the SPA revealed that at least **1,400 ha of appropriate, alternative lands are available to wintering bird species.** In fact, the area of available lands is significantly greater, as the assessment primarily focused on zoned lands immediately adjacent to the SPA.
- **Wintering bird species are noted as being transient**, not always favouring specific sites; moving between areas during a season and preferring different areas from season to season.

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- **Rezoning the site to GBC (GZT: G3) will not protect the lands for use by wintering birds.** As a zoning designation with a conservation objective, allowing the subject site to 'rewild' would result in an increase in grass and vegetation heights and densities, thereby discouraging its use by birds. Similarly, changes to the type of agricultural activity thereat (ploughing, crops, etc.) would also deter wintering birds, who currently frequent the site due to its short grass caused by grazing cattle.
- The **rezoning of the subject site – ex situ to the SPA – from residential to Green Belt and Conservation due to the occasional presence of qualifying interests thereat would be unique.** It would create a state-wide precedent that the development of lands (residential in this instance) where qualifying interests are occasionally present is prohibited, despite the significant evidence indicating the transience of the species, the availability of alternative foraging lands and the mitigation measures to be delivered on-site.

1 Introduction

KPMG Future Analytics (KPMG FA)¹ have been instructed by Mr. Michael Ryan² to make this submission to Waterford City and County Council (WCCC) in respect of the *Draft Waterford City and County Draft Development Plan 2022-2028* (Draft Plan) and the zoning of approximately 8 ha of land, which relates to a larger site of c.8.6 ha proposed for Strategic Housing Development (SHD), located at Duckspool on the eastern edge of Dungarvan, Co. Waterford, as identified in Figure 1.1.



Figure 1.1: Indicative extent of approximately 8 ha subject site for which residential land-use zoning is being sought for retention (shown in red), the 8.6ha SHD application boundary (white outline) and total landownership area which includes existing residential and open space zoned lands (yellow outline). Source: KPMG-FA, 2021

As indicated in Figure 1.2 below, the subject site is located to the east of Dungarvan town centre and is highly advantageous in terms of its strategic location and proximity to the town centre and Waterford Greenway (shown as green dash), as well as a number of local crèches and schools. The site further benefits from its contained and coherent

¹ 1 Stokes Place, St. Stephen's Green, Dublin 2

² 6 Argus House, Greenmount Office Park, Harold's Cross, Dublin 6W

landholding owned by a single-party and contiguous relationship to existing residential lands to the west and south.



Figure 1.2: Indicative location of subject site within the Dungarvan-Ballinroad urban area. Source: KPMG-FA, 2021.

The subject site is presently zoned as ‘R1’ (Residential – Medium Density), ‘R2’ (Residential – Low Density) and ‘R3’ (Residential – Phased) residential uses in the extant *Dungarvan Town Development Plan 2012–2018* (Figure 1.3)³, and **has repeatedly been zoned as such since at least 2000**. However, it is now proposed for the site to be rezoned as ‘Green Belt and Conservation’ (GBC)⁴ in the Draft Plan (Figure 1.4). The objective of the GBC zoning is:

“To provide for a green belt area as a clear physical demarcation to the adjoining urban area, to provide for the development of agriculture and to protect and improve rural amenity and to restrict residential development.”

We note that this site is the subject of a current SHD Application presently under consideration by An Bord Pleanála (ABP Ref. TA93.310782), which comprises 218 no.

³ An ‘OS’ open space land-use zoning features on the lands immediately to the east of the subject, which are part of the referenced SHD application’s area.

⁴ Also referred to as G3 in the Generalised Zone Types, used with the Draft Plan.

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residential units (including 176 no. houses and 42 no. apartments), crèche, community car park, open spaces and associated site works and is due to be decided by 26 October 2021.

Mr. Ryan is committed to the development of the subject site and has serious concerns regarding the change of zoning proposed within the Draft Plan, which will interfere with the timely delivery of critical housing within Dungarvan. Therefore, we respectfully request that the Draft Plan make provision for the following:

“Lands comprising approximately 8 ha located at Duckspool, within the urban area of Dungarvan-Ballinroad, to have their zoning designation amended to ‘New Residential Medium Density – NR (M)’ in light of their appropriateness for residential development and to accord with the new residential zoning designations provided in the Waterford City and County Development Plan 2022-2028.”

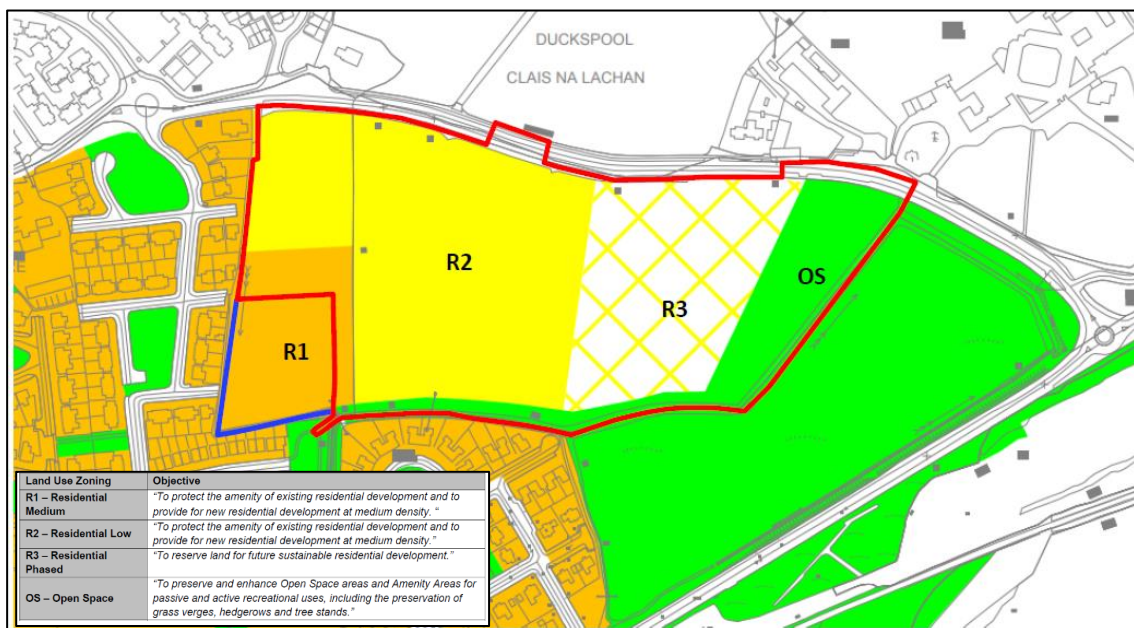


Figure 1.3: Zoning designations of relevance to the SHD subject site under Current Plan. Source: Waterford County Development Plan 2011-2017 / Dungarvan Town Development Plan 2012-2018.



Figure 1.4: Zoning designations of relevance to the SHD application site (outlined in red) and full landholding under the Draft Plan. Source: *Draft Waterford City and County Development Plan 2022-2028*.

1.1 Purpose of this Submission

The purpose and objective of this submission is to demonstrate to WCCC the merit of retaining a residential land-use zoning designation – specifically ‘*New Residential Medium Density – NR (M)*’ – at the subject site in the Draft Plan.

To justify the retention of a residential zoning on-site and to support the residential development proposed in the current SHD Application under consideration by An Bord Pleanála (ABP Ref. TA93.310782), an analysis of the relevant core strategy is provided in Section 2 to follow, as well as a residential site comparison in Section 3 to demonstrate the appropriateness of zoning and developing the subject site for residential uses. Further assessment with respect to the flood risk designation of the site is provided in Section 4 and with regard to the proximity of the lands to sensitive ecological habitats in Section 5.

Please note that as the Draft Plan uses two ways to refer to the proposed land-use zoning designations, both have been used in this submission, sometimes interchangeably. For clarity, these designations have been set out in Table 1.1.

Table 1.1: Zoning designations used in the Draft Plan.

WCCC Draft Zoning Designation	Generalised Zone Type (GZT)
New Residential Medium Density – NR (M)	R1.3
New Residential Low Density – NR (L)	R1.4
Green Belt and Conservation – GBC	G3
Open Space / Amenity – OSA	G5

2 Aligning with the Core Strategy’s Housing Allocation

The subject lands are located within the urban area of Dungarvan-Ballinroad, which is identified as a ‘Key Town’ within the Draft Plan and defined as a, “strategically located urban centre, with accessibility and significant influence in a subregional context,” alongside the Clonmel Environs. Dungarvan and Clonmel Environs constitute the most significant residential development areas within Co. Waterford after Waterford City (a regional city) and comprise nearly 10% of the total County population allocation up to 2028.

The Core Strategy population figures provided in the Draft Plan (see Figure 2.1 below) indicate that some 10,388 people were residing within Dungarvan (including Ballinroad) in 2016, with this population projected to reach 11,864 people by 2028, based on a growth rate for Dungarvan at 50% of the growth allocated to Waterford City as per the National Planning Framework (NPF) and Regional Spatial and Economic Strategy (RSES).

Table 2.2: Core Strategy Population			
	2016	2028	2031
Waterford County	116,176	137,630	144,000
Regional City			
Total City Area	51,615	66,285	70,995
Waterford City and Suburbs	48,216	62,382	66,966
Waterford Rural	3,399	3,903	4,029
Key Towns			
Dungarvan (incl. Ballinroad)	10,388	11,864	12,337
Clonmel Environs ¹⁸	925	1,056	1,091

Figure 2.1: Extract of *Table 2.2 – Core Strategy Population* figures provided in Draft Plan. Source: *Draft Waterford City and County Development Plan 2022-2028*.

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Demographic analysis undertaken by KPMG FA with respect to Dungarvan (excluding Ballinroad) highlights that the earlier population targets established for the area in the Current Plan (WCDP) and the *Dungarvan Town Development Plan 2012-2018* (DTDP) were not achieved, with shortfalls of nearly 6% in 2011 and nearly 23% in 2016 identified as per the available Census data (see Table 2.1). A relative population decline of approximately 2% from 2011-2016 was also identified in Dungarvan, in contrast to the 2.1% growth within Co. Waterford and 3.8% growth in the State for the same period.

Table 2.1: Population Growth of Dungarvan (excluding Ballinroad) 2006–2016 with respect to targeted growth set by the DTDP and WCDP.

Year	Target Population Growth (WCDP & DTDP)	Actual Population Growth (CSO)	Shortfall (%)
2006	-	8,362	-
2010/2011	10,000	9,427	- 5.9%
2016	11,600	9,227	- 22.8%
2022	13,400	-	-

In order to achieve the 14% (approx.) population growth for Dungarvan-Ballinroad to 2028 set out in the Draft Plan and reverse the declining population trends identified above, it is clear that sustainable, residential development within the area must be encouraged. This requires not only zoning the correct quantum of lands, but also the correct parcels of lands (discussed below).

Given the strategic location of the subject site, and its proximity to the historic urban core and related amenities, the development of these lands for residential uses will be critical to the proper planning and sustainable development of Dungarvan. The subject site has the potential to deliver significant housing within the urban area of Dungarvan through the proposed SHD which would be greatly compromised by the Draft ‘*Green Belt and Conservation – GBC*’ zoning of the lands.

As such, a residential zoning of ‘*New Residential Medium Density – NR (M)*’ is requested for the subject site, which would provide for a medium net density of 30-50 dwellings per hectare at this location and align with the requirements of *Circular Letter NRUP 02/2021*⁵ (and the density of the proposed SHD), which discourages development at net densities of less than 30 dwellings per hectare in the interests of sustainability and land efficiency within cities and larger towns, such as Dungarvan, particularly on sites in excess of 0.5 hectares.

⁵ *Circular Letter: NRUP 02/2021 - Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), DoHLGH.*

3 Residential Land Requirement

A total of 25 ha of land is required within Dungarvan/Ballinroad to meet the Core Strategy Population target of 11,864 no. people by 2028, as indicated in Figure 3.1 below. The Draft Plan also identifies the Duckspool area of Dungarvan (specifically Site 6 of Figure 5.2 to follow, located immediately north of the subject site) as a key location for consolidation within the historic core, as follows:

“Dungarvan Key Town: The provision of lands for new residential development seeks to consolidate existing residential areas close to the historic core of Dungarvan, at Monang to the east of the Old Hospital Road between Pinewood and Strandside North, at Duckspool between Cluain Garabhán and Scoil Gharbháin...”

While there is scope for regeneration in the town centre and periphery, this is limited by way of smaller site size and general built context to yield significant housing units for the purposes of the core strategy.”

[Draft Plan, Section 2.14 – **Our emphasis.**]

As the subject site adjoins this designated area via the L3168 road to the north and shares an even closer proximity than Site 6 to the core of Dungarvan to the south, it is our opinion that the subject site should be restored to its established residential zoning in the Draft Plan and identified for further consolidation within Duckspool.

Table 2.3: Core Strategy Land Use Zoning				
Settlement Class	Settlement Type	Population 2016 (CSO)	Core Strategy Population	Residential Land Required (Ha) ⁹
1	Regional City			
	Waterford City & Suburbs	48,216	62,382	202
2	Key Town			
	Dungarvan/Ballinroad	10,388	11,864	25
	Clonmel Environs	925	1,056	2
3A	Urban Towns (>1500 Pop) Large			
	Tramore	10,381	11,549	19
3B	Urban Towns (>1500 Pop)			
	Dunmore East	1,808	2,002	4
	Portlaw	1,742	1,929	4
	Lismore	1,374	1,521	3

Figure 3.1: Extract of Table 2.3 – Core Strategy Land Use Zoning figures provided in Draft Plan. Source: Draft Waterford City and County Development Plan 2022-2028.

3.1 Extent of Residentially Zoned Lands – Draft Plan

A total of 9 no. sites are identified within the Draft Plan for ‘New Residential Medium Density – NR (M)’ (GZT: R1.3) or ‘New Residential Low Density – NR (L)’ (GZT: R1.4) zoning designation, comprising approximately 35.53 ha of land for ‘New Residential’ development. An additional 12 no. sites are identified with ‘Residential: Strategic Reserve’ (GZT: R4.6) zoning designations, comprising approximately 112.2 ha of land as ‘Strategic Reserves’ for residential development in the future. See Figure 3.2 for location of each site within the Draft Plan development area and Tables 3.1-3.2 for site details in each zoning category. **Of note is Site 5 – which as a single site – accounts for 21.81 ha; equivalent to a significant 62% of the total ‘New Residential Medium Density – NR (M)’ (R1.3) and ‘New Residential Low Density – NR (L)’ (R1.4) zoned lands in the settlement area.**



Figure 3.2: Location of ‘New Residential’ and ‘Strategic Reserve’ sites identified in the Draft Plan within the Dungarvan-Ballinroad development area, including extent of the Dungarvan-Ballinroad development area. Source: KPMG-FA, 2021. See Appendix B for detailed mapping and analysis.

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Table 3.1: Location and extent of sites identified for 'New Residential' uses within the Draft Plan.
Source: KPMG-FA, 2021.

Site Ref.	Location	Current Zoning	Draft Zoning	Indicative Site Area (ha)
1	Inside settlement	R3	NR (M) / R1.3	4.64
2	Dungarvan Environs	R1	NR (M) / R1.3	1.29
3	Inside settlement	R1	NR (M) / R1.3	1.10
4	Inside settlement	R1	NR (M) / R1.3	1.64
5	Inside settlement	R1	NR (M) / R1.3	21.81
6	Dungarvan Environs	R1	NR (M) / R1.3	3.18
7	Ballinroad	Green Belt	NR (L) / R1.4	0.35
8	Ballinroad	R1	NR (L) / R1.4	0.97
9	Ballinroad	R1	NR (L) / R1.4	0.56
Total 'New Residential' Site Area (ha)				35.54 ha

Table 3.2: Location and extent of sites identified for 'Strategic Reserve' uses within the Draft Plan.
Source: KPMG-FA, 2021.

Site Ref.	Location	Current Zoning	Draft Zoning	Indicative Site Area (ha)
A	Dungarvan Environs	R1	Reserve / R4.6	4.43
B	Inside settlement	R3	Reserve / R4.6	11.41
C	Inside settlement	R2	Reserve / R4.6	1.24
D	Dungarvan Environs	R1	Reserve / R4.6	4.54
E	Inside settlement	R3	Reserve / R4.6	12.26
F	Inside settlement	R3	Reserve / R4.6	28.05
G	Inside settlement	R3	Reserve / R4.6	8.81
H	Inside settlement	R3	Reserve / R4.6	14.54
I	Inside settlement	R3	Reserve / R4.6	2.94
J	Dungarvan Environs	R1	Reserve / R4.6	10.14
K	Ballinroad	R3	Reserve / R4.6	6.42
L	Ballinroad	R1	Reserve / R4.6	7.42
Total 'Strategic Reserve' Site Area (ha)				112.2 ha

3.2 Suitability of Identified Sites for Further Housing Delivery

However, a closer examination of the proposed ‘New Residential Medium Density – NR (M)’ (R1.3) and ‘New Residential Low Density – NR (L)’ (R1.4) lands indicates that 3 no. of the designated sites are currently under construction (Site 4 – permitted 98 no. units under Reg. Ref. 17579) or otherwise pending permission (part of Site 5 – proposed 7 no. units under Reg. Ref. 21684 and Site 6 – proposed 77 no. units under Reg. Ref. 21346), with potential to deliver a total of 184 no. additional residential units within the area if these pending applications are permitted and fully constructed.

Despite the pending planning application for approximately 1.3 ha of Site 5, **significant and costly – approximately €3 million (excluding land purchase) – road infrastructure upgrades of up to 3km** (‘Monang Road Realignment and Improvements’ and additional provisions identified in blue in Figure 3.3 below) are still required for the development of the remaining area of the site (comprising approximately 20.51 ha). These upgrades may require costly and length compulsory purchase of lands, but are ultimately only feasible and viable if the primary landowners are willing to development their holdings for residential uses.

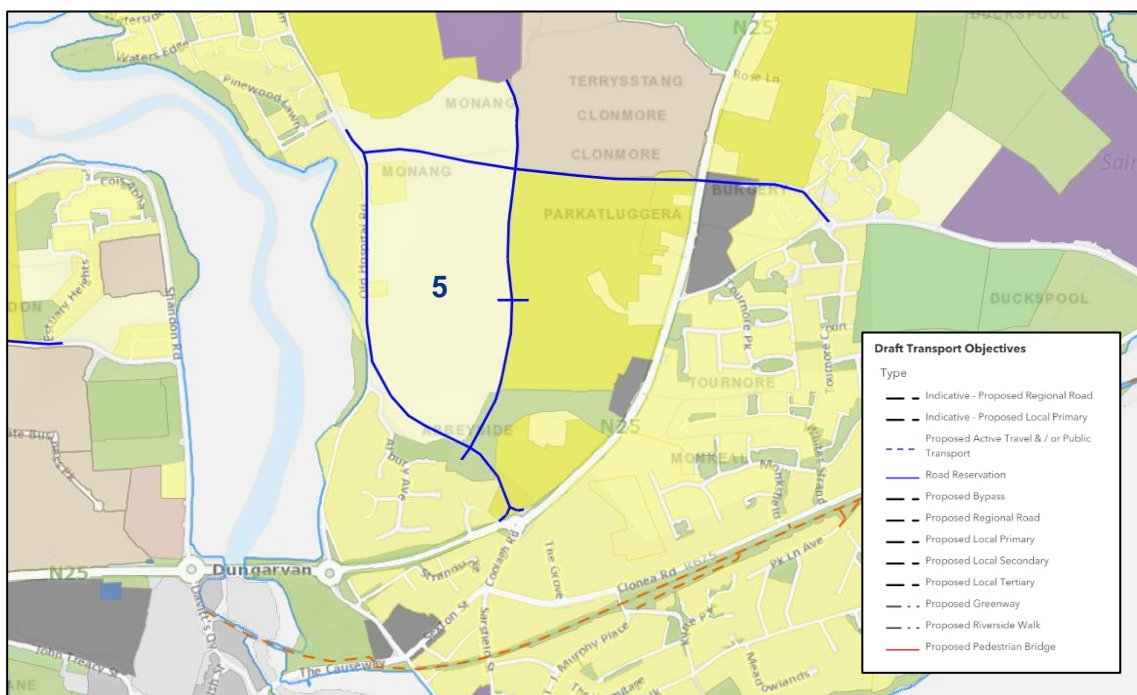


Figure 3.3: Transport Objectives of relevance to Site 5 under Draft Plan. Source: Draft *Waterford City and County Development Plan 2022-2028 - Transport Objectives*.

We note that a ‘*Monang Masterplan*’ was proposed to be provided for the lands during the lifetime of the previous DTDP (2006-2012) and its failure to be completed was part of the basis of the previous refusal for development on the site (ABP Ref. PL56.223343).

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It is understood that **this document has yet to be delivered**, with no reference to the preparation of a new 'Monang Masterplan' in the current DTDP.

It is also clear that despite having been successively zoned for residential development in both the current DTDP (2012-2018) and previous DTDP (2006-2012), Site 5 has repeatedly failed to come forward for development since 2006. **Noting the site's considerable area and the foregoing infrastructural constraints, the fact that it remains undeveloped whilst almost all of the lands zoned R1 and R2 in the current DTDP have since come forward for development⁶ may be part of the reason why Dungarvan failed to meet its population targets and actually experienced population decline between 2011-2016.** This further underscores **the need to zone enough land, but as the right sites**, and supports the retention of a residential zoning designation at the subject site, which the owner is actively seeking consent to develop.

The fact that Site 5 is such a large area means that WCCC will be dependent on it coming for development to deliver the vast majority of the town's housing allocation. This will be further complicated by the existing ownership structure, with a review of Land Direct resources indicating a complex patchwork of landownership parcels.⁷ This over reliance on a single site, to deliver in excess of 60% of the requisite housing stock for the Town, represents an inherent lack of flexible capacity in strategic forward planning. **In essence, if Site 5 fails, then the (Draft) Development Plan also fails.**

In addition, the ongoing uses of the site, principally for agriculture and equine activities, are demonstrative of the owners' intentions to continue these uses, despite the residential zoning.

Informed by all of the foregoing, Site 5 should be excluded from the assessment of residential lands, as it is not considered to be available for sustainable delivery.

If Sites 4, 5 and 6 are excluded entirely from the proposed residential landbank, only 8.91 ha of land will be left available for immediate delivery within the Draft Plan area, as indicated in Table 3.3 below. **This constitutes a shortfall of some 16.1 ha from the 25 ha requirement established within the Core Strategy**, equivalent to approximately 480-800 residential units at a sustainable density of 30-50 units per hectare which could not be delivered within the lifetime of the Plan. **Therefore, it is vital that the subject site, as a sustainable proposition, be zoned for residential development to be delivered in a timely and appropriate manner.**

⁶ See the Land-Use Zoning Justification report prepared in support of the proposed SHD at the subject site (included in Appendix A).

⁷ As evidenced by the very low-density (5.4 units per hectare) planning application proposed by a single such landowner; seeking consent for just 7 no. units on 1.3ha of Site 5.

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Table 3.3: Status of proposed 'New Residential' sites with respect to planning activity, construction activity, and infrastructural constraints as of August 2021. Source: KPMG-FA, 2021.

Site Ref.	Location	Draft Zoning	Status	Available Site Area
1	Inside settlement	NR (M) / R1.3	Undeveloped – No Planning Activity	4.64
2	Dungarvan Environs	NR (M) / R1.3	Undeveloped – No Planning Activity	1.29
3	Inside settlement	NR (M) / R1.3	Undeveloped – No Planning Activity	1.10
4	Inside settlement	NR (M) / R1.3	Under Construction Ref. 17579	-
5	Inside settlement	NR (M) / R1.3	Small Planning Pending – Ref. 21684 ⁸ <u>Sig. infrastructure required</u>	-
6	Dungarvan Environs	NR (M) / R1.3	Planning Pending – Ref. 21346	-
7	Ballinroad	NR (L) / R1.4	Undeveloped – No Planning Activity	0.35
8	Ballinroad	NR (L) / R1.4	Undeveloped – No Planning Activity	0.97
9	Ballinroad	NR (L) / R1.4	Undeveloped – No Planning Activity	0.56
Total Site Area (ha) Remaining Available Residential Land				8.91

3.3 Comparison of Subject Site to Remaining Zoned Lands

A previous land-use zoning justification study for the development of the subject lands as an SHD was conducted in July 2021 by KPMG-FA on behalf of Mr. Michael Ryan. This report supports the continued zoning of the lands for residential uses in the forthcoming Draft Plan and is included in Appendix A for reference.

With respect to the use and availability of the current 'R1', 'R2' and 'R3' zoned lands within the Development Plan area, the analysis provided in the report concludes that whilst there are some sites still available for development within Dungarvan and the surrounding environs, **they are either inappropriately located or unlikely to be forthcoming for development in the short- to medium-term.**

⁸ A planning application by a single landowner for just 7 no. units is proposed on 1.3ha (6%) of Site 5, delivering a very low and unsustainable density of just 5.4 uph.

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We further note that a number of the remaining undeveloped residential sites identified in this assessment, including the subject site, are proposed for rezoning to largely non-residential uses within the Draft Plan, as shown in Table 3.4 and Figure 3.4.

Table 3.4: Status of 'Residential' sites proposed for rezoning within the Draft Plan. Source: KPMG-FA, 2021.

Site Ref.	Previous Study Ref.	Location	Current Zoning	Draft Zoning	Ind. Site Area
A1	27/28	Inside settlement (Subject Site)	R1/R2	GBCG3	5.89
A2	5	Inside settlement (Subject Site)	R3	GBC/G3	2.35
A3	17	Dungarvan Environs	R2	Open Space/Amenity / G5	12.11
A4	22	Inside settlement	R1	Open Space/Amenity / G5	0.83
A5	22	Inside settlement	R1	Open Space/Amenity / G5	0.51
A6	9	Dungarvan Environs	R3	Open Space/Amenity / G5	17.78
Total Site Area (ha) Proposed for Rezoning in Draft Plan					39.47



Figure 3.4: Location of ‘Residential’ sites proposed for rezoning within the Draft Plan. Source: Draft *Waterford City and County Development Plan 2022-2028*, annotated by KPMG-FA, 2021.

Together, these sites constitute nearly 40 ha of land which will no longer be available for residential development under the proposed zonings, while others which remain in residential use are unlikely to deliver housing without significant infrastructural upgrades (e.g. Site 5). It is critically important that additional lands which are suitable for immediate development are identified for residential zoning, to ensure the necessary quantum of housing required in Dungarvan-Ballinroad is realised during the lifetime of the Draft Plan.

To this end, the subject site comprises approximately 8 ha of previously zoned residential land (‘R1/R2/R3’) within the settlement area of Dungarvan and forms part of a current planning application site (approximately 8.6 ha) for the development of 218 no. residential units currently under consideration by ABP as an SHD (ABP Ref. TA93.310782). The suitability of the subject site for residential development is clear, particularly when compared to the other residentially zoned sites within the Plan area highlighted by the previous land-use study (see Appendix A), as it constitutes a significant bank of undeveloped, residentially-zoned land within the settlement area of

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Dungarvan that abuts existing residential areas and is immediately adjacent to a host of social/community infrastructure and local services. Furthermore, as a site in single-party ownership, its delivery can be prompt, without delay or complication.

In addition, as the Confirmation of Feasibility issued by Irish Water in respect of the SHD proposed at the subject site indicated, unlike the vast majority of those listed above, the subject site is immediately serviceable subject to minor agreed works between Irish Water, WCCC and the landowner/Applicant.

3.3.1 Suitability of Proposed Residential Lands within the Draft Plan for Further Development

An updated assessment of the residential sites identified in the Draft Plan is provided in Tables 3.5 and 3.6 to follow, which ranks the suitability of each site in terms of distance to the key urban areas and services in line with the methodology applied in the previous KPMG-FA *Land-Use Zoning Justification* report (Appendix A).

This updated Land-Use Zoning Justification assessment analysed and reviewed each of the sites identified for residential development (i.e. zoned as 'New Residential' or 'Strategic Reserve') within the Draft Plan in terms of their proximity to 5 no. key locations or types of services, as follows:

1. **Grattan Square** – selected as the town core and the centre of Dungarvan's retail offering, dining and entertaining, personal services (e.g. hairdresser, medical, etc.), professional services (e.g. solicitor, estate agent), etc.;
2. **Davitt's Quay** – the location of Dungarvan's principal bus stop/terminal, allowing for onward connectivity by way of sustainable public transport;
3. **Closest childcare facility** – an important service for young families, with proximity to childcare facilities considered to be of importance to reduce the need to use private cars and to promote active travel;
4. **Closest primary school** – required for children, with proximity to same considered to be of importance to reduce the need to use private cars and to promote active travel; and
5. **Closest secondary school** – required for children, with proximity to same considered to be of importance to reduce the need to use private cars and to promote active travel.

These spatial variables are considered to be those most routinely frequented and, therefore, of greatest importance in terms of accessibility.



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Therefore, whilst the assessment follows the principles of sequential, compact development (developing from the centre of a settlement and expanding outwards), it goes beyond this by 'factoring in' other services that are vital to the creation of sustainable, viable, mixed-use communities. Such communities promote active modes of transport and a shift away from using private cars for commutes and regular, routine trips.

The location of all sites and services identified within Dungarvan and Ballinroad of relevance to the survey are provided on Figure 3.5 overleaf.



Figure 3.5: Location of 'New Residential' and 'Strategic Reserve' sites within Draft Plan with respect to key areas and services. Source: KPMG-FA, 2021.

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The subject site was also assessed under these conditions and ranks better than the majority of the ‘New Residential’ zoning proposed within the Draft Plan (see Table 3.5), with access to both Davitt Quay and Grattan Square within approximately 2km and a range of local services (including 3 no. crèches, 1 no. primary and 1 no. post primary school) within approximately 100m. **In fact, the site ranks joint first.** A more detailed scoring methodology is provided in Appendix B.

Table 3.5: Assessment of proposed ‘Residential’ lands within the Draft Plan in terms of distance to key urban areas and local services. Source: KPMG-FA, 2021.

Site Ref.	Location	Draft Zoning	Ind. Area	Site Score	Rank
5	Inside settlement	NR (M) / R1.3	21.81	3.4	1
Subject Site	Inside settlement	GBC / G3	7.95	3.4	=
6	Dungarvan Environs	NR (M) / R1.3	3.18	4.2	3
1	Inside settlement	NR (M) / R1.3	4.64	4.4	4
4	Inside settlement	NR (M) / R1.3	1.64	4.7	5
3	Inside settlement	NR (M) / R1.3	1.10	5.3	6
2	Dungarvan Environs	NR (M) / R1.3	1.29	6.5	7
8	Ballinroad	NR (L) / R1.4	0.97	10.0	8
7	Ballinroad	NR (L) / R1.4	0.35	10.4	9
9	Ballinroad	NR (L) / R1.4	0.56	10.9	10

If those sites which were previously identified with planning activity (Sites 4 and 6, and a very small portion of Site 5 – see Table 3.3) or infrastructural/legacy issues (the bulk of Site 5 – see Table 3.3) are excluded from the ranking process, and the additional ‘Strategic Reserve’ sites proposed within the Draft Plan are included, then only Site 1, which scored 3.1 in terms of proximity to key areas and services, is more accessible than the Subject Site (see Table 3.6).

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Table 3.6: Assessment of proposed ‘Residential’ and ‘Strategic Reserve’ lands within Draft Plan in terms of distance to key urban areas and local services. Source: KPMG-FA, 2021.

Site Ref.	Location	Draft Zoning	Ind. Area	Site Score	Rank
I	Inside settlement	Reserve / R4.6	2.94	3.1	1
5	Inside settlement	NR (M) / R1.3	21.81	3.4	Excluded
Subject Site	Inside settlement	GBC / G3	7.95	3.4	2
H	Inside settlement	Reserve / R4.6	14.54	3.9	3
6	Dungarvan Environs	NR (M) / R1.3	3.18	4.2	Excluded
J	Dungarvan Environs	Reserve / R4.6	10.14	4.3	4
1	Inside settlement	NR (M) / R1.3	4.64	4.4	5
4	Inside settlement	NR (M) / R1.3	1.64	4.7	Excluded
E	Inside settlement	Reserve / R4.6	12.26	5.0	6
F	Inside settlement	Reserve / R4.6	28.05	5.0	=
3	Inside settlement	NR (M) / R1.3	1.10	5.3	8
B	Inside settlement	Reserve / R4.6	11.41	5.5	9
G	Inside settlement	Reserve / R4.6	8.81	5.5	=
A	Dungarvan Environs	Reserve / R4.6	4.43	5.8	11
2	Dungarvan Environs	NR (M) / R1.3	1.29	6.5	12
D	Dungarvan Environs	Reserve / R4.6	4.54	6.8	13
C	Inside settlement	Reserve / R4.6	1.24	7.4	14
K	Ballinroad	Reserve / R4.6	6.42	8.3	15
8	Ballinroad	NR (L) / R1.4	0.97	10.0	16
7	Ballinroad	NR (L) / R1.4	0.35	10.4	17
9	Ballinroad	NR (L) / R1.4	0.56	10.9	18
L	Ballinroad	Reserve / R4.6	7.42	11.7	19

However, although the top ranked site, Site I is currently designated as a ‘Strategic Reserve’ and comprises only approximately 3 ha of land. Therefore, even if it were zoned for development as New Residential (Medium or Low Density), it would not be sufficient on its own to meet the shortfall of over 16 ha identified in Section 3.2 that is needed to meet the requirements for the Dungarvan-Ballinroad settlement. **Therefore, it is vital that alternative sites – notably the subject site as a well-connected and sustainable proposition – must be identified for development and zoned accordingly.**

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In addition, as the Confirmation of Feasibility issued by Irish Water in respect of the SHD proposed at the subject site indicated, unlike the vast majority of those listed above, the subject site is immediately serviceable subject to minor agreed works between Irish Water, WCCC and the landowner/Applicant.

Consequently, this assessment indicates that the subject site is better positioned for immediate housing delivery than all of the available landbanks proposed as 'New Residential' zoning within the Draft Plan and all but one of the landbanks proposed for 'Strategic Reserve' zoning (Site I). We further note that the subject site comprises approximately 8 ha of land currently zoned for residential uses and is the location of a pending SHD planning application. **On this basis, it is our opinion that the site should be restored to a residential land-use and redesignated for 'New Residential Medium Density – NR (M)' development within the Draft Plan.**

4 Flood Risk Assessment

We note that the subject site is identified as being partly located within Flood Zone A in the Draft Plan, with a central portion of the site within Flood Zoned C (as shown in Figure 4.1 below).



Figure 4.1: Extract of flood zone mapping provided within the Draft Plan, showing location of subject site (outlined in red), the extent of the full landholding (outlined in yellow) and the extent of the proposed SHD planning application area (black line). Source: *Draft Waterford City and County Development Plan 2022-2028*.

However, this crude flood zoning designation fails to recognise that **the site is principally within a defended area.** The Strategic Flood Risk Assessment for the Draft Plan recognises this, stating:

“It is important to note that the definition of the Flood Zones is based on an undefended scenario and does not take into account the presence of flood protection structures such as flood walls or embankments.”

This flood defence, which has been provided with the investment of significant public monies, provides protection to the bulk of the Duckspool lands. This protection means that the subject site can be developed for residential use once said development is within the defended areas.

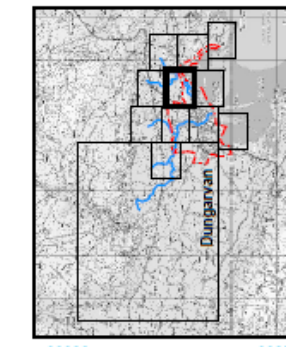
Indeed, to now *not* zone and develop these defended areas would be to negate the expenditure of public funds so as to provide that exact defence and could be used as a means to justify their reduced maintenance and the creation of greater risk in other areas locally.

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The positive impact and protection of the flood defences is clearly visible in Drawing No. O17DGN_EXCCD_F09 (Figure 4.2) and Drawing No. O17DGN_EXFCD_F0_09 (Figure 4.3) from the South Eastern CFRAMS Study mapping for the area (prepared by RPS Consulting Engineers and the Office for Public Works). These drawings are for coastal and fluvial flooding respectively.

The impact of the flood defence is clear from Figures 4.2 and 4.3, where areas subject to residual flooding are shown coloured green and blue. These areas are located peripherally within the subject site, meaning the majority of the central area is suitable for residential development. The following is noted:

- From a planning perspective, **flood defence means that development can be located within defended areas once the finished floor levels are above the flood level.** This is to ensure ongoing protection in the event of defence failure. In the case of Duckspool, this level was set at 3.12mAOD following discussions between the landowner's appointed Design Team and WCCC personnel (in the event, a finished floor level of 3.42mAOD (incorporating 300mm of freeboard) was included in the SHD proposed at the subject site).
- From a physical perspective, **raising finished floor levels on a defended site means there will be no overflow impact on other lands in the area following development taking place.**



IMPORTANT USER NOTE:
THE VIEWER OF THIS MAP SHOULD REFER TO THE DISCLAIMER, GUIDANCE NOTES AND CONDITIONS OF USE THAT ACCOMPANY THIS MAP.

Legend

- 10% Tidal AEP Event
- 0.5% Tidal AEP Event
- 0.1% Tidal AEP Event
- Modelled River Centreline
- AFA Extents
- Embankment
- Wall
- Defended Area
- Standards of Protection of Flood Defence (Walls / Embankments)
- Node Point
- Node Label

FINAL

REV: 01
NOTE: Amendments to attached plan.
DATE: 14/11/2018

SOUTH-EASTERN CFRAM STUDY
CORK COUNTY COUNCIL

OPW
OFFICE OF PUBLIC WORKS

RPS
RISK PREVENTION SERVICES

The Office of Public Works
14 Bowker Road
15th
Dublin 8
D08 Y282
E: info@rps.ie

Map: Ringhousa Tidal Flood Extents
Map Type: EXTENT
Source: TIDAL
Map Area: COASTAL

Scenario: CURRENT
Drawn By: G.C. **Date:** 14 November 2018
Checked By: E.H. **Date:** 14 November 2018
Approved By: G.G. **Date:** 14 November 2018

Drawing No.: O17DGN_EXCCD_F0_09
Map Series: Page 8 of 12
Drawing Scale: 1:5,000 @ A3

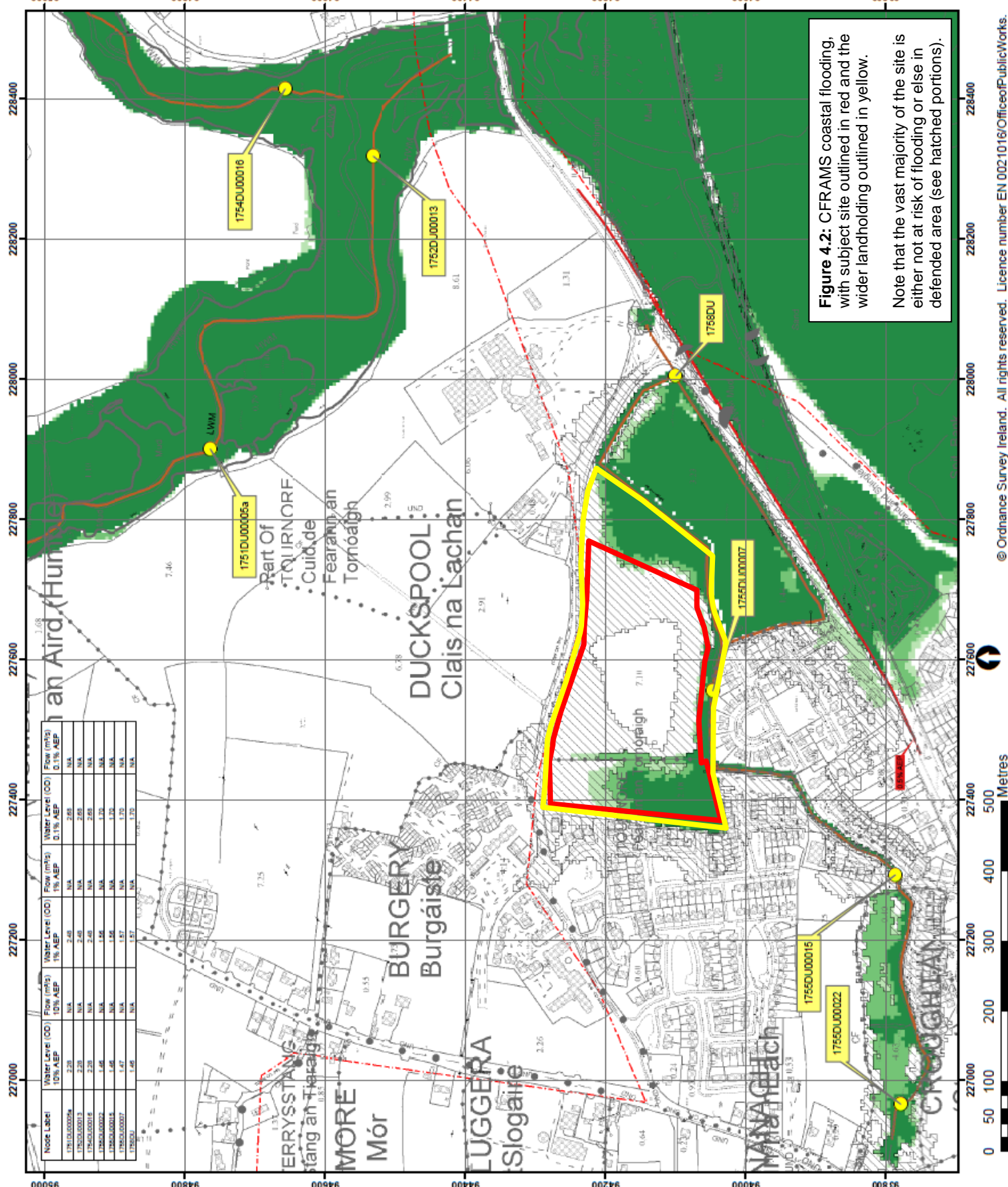
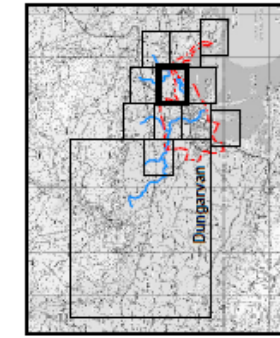


Figure 4.2: CFRAMS coastal flooding, with subject site outlined in red and the wider landholding outlined in yellow.

Note that the vast majority of the site is either not at risk of flooding or else in defended area (see hatched portions).



IMPORTANT USER NOTE:
THE VIEWER OF THIS MAP SHOULD REFER TO THE DISCLAIMER, GUIDANCE NOTES AND CONDITIONS OF USE THAT ACCOMPANY THIS MAP.

- Legend**
- 10% Fluvial AEP Event
 - 1% Fluvial AEP Event
 - 0.1% Fluvial AEP Event
 - Modelled River Centreline
 - AFA Extents
 - Node Point
 - Node Label

FINAL

REV: 01
NOTE: Amendments to previous and
DATE: 14/11/2018

SOUTH-EASTERN
CFRAM
STUDY



Map:
Dunganvan Fluvial Flood Extents

Map Type: EXTENT

Source: FLUVIAL

Map Area: HPW

Scenario: CURRENT

Drawn By: C.O. **Date:** 14 November 2018

Checked By: E.H. **Date:** 14 November 2018

Approved By: O.O. **Date:** 14 November 2018

Drawing No.:
O17DGN_EXCFD_F0_09

Map Series: Page 9 of 12

Drawing Scale: 1:5,000 @ A3

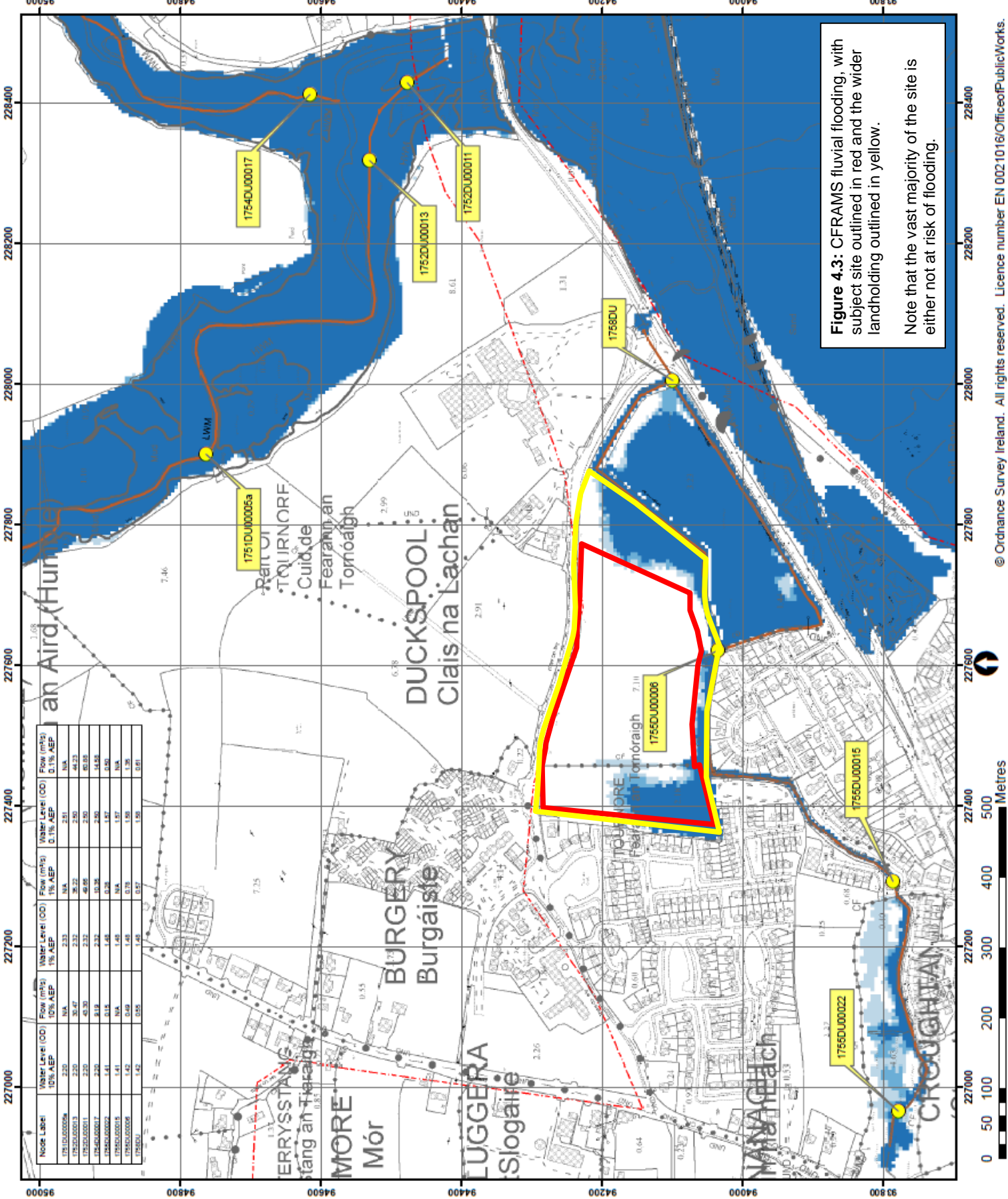


Figure 4.3: CFRAMS fluvial flooding, with subject site outlined in red and the wider landholding outlined in yellow.

Note that the vast majority of the site is either not at risk of flooding.

Node Label	Water Level (OD) 10% AEP	Flow (m ³ /s) 10% AEP	Water Level (OD) 1% AEP	Flow (m ³ /s) 1% AEP	Water Level (OD) 0.1% AEP	Flow (m ³ /s) 0.1% AEP
175DU00005a	2.51	NA	2.51	NA	2.51	NA
175DU00005b	2.50	35.47	2.50	36.22	2.50	48.23
175DU00011	2.50	43.50	2.52	46.85	2.50	60.85
175DU00017	2.50	31.26	2.50	34.56	2.50	44.56
175DU00022	1.41	0.18	1.41	0.20	1.41	0.20
175DU00015	1.41	NA	1.45	NA	1.47	NA
175DU00008	1.42	0.49	1.45	0.75	1.45	1.38
1758DU	1.42	0.55	1.45	0.57	1.45	0.61

While *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) primarily direct new development to areas at low risk of flooding, specific provision is made for development within flood zone areas where such development is desirable in order to achieve compact and sustainable development in urban settlements. To allow consideration of such development, the guidelines provide for a Justification Test of land and developments (see Figure 4.4), which establishes the criteria under which desirable and appropriate development of a site in a flood zone may be warranted.

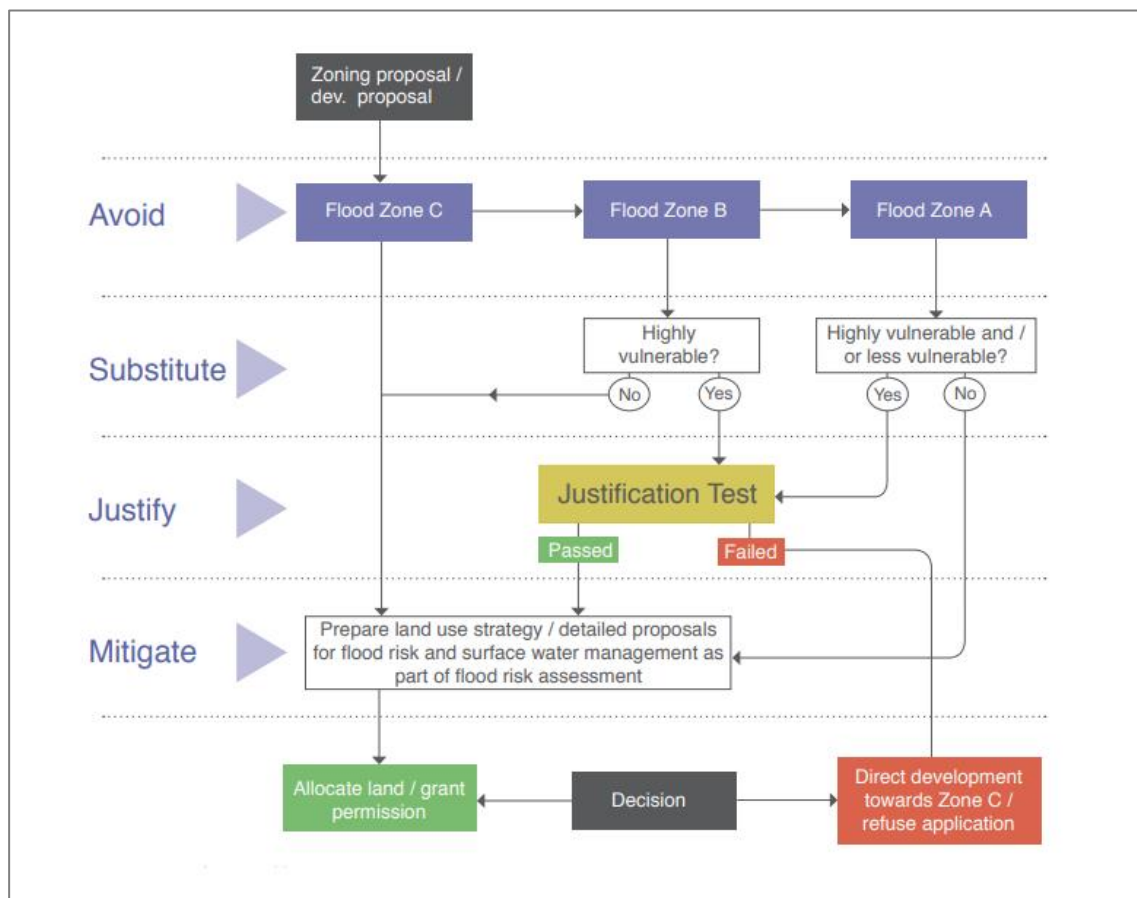


Figure 4.4: Sequential approach mechanism in the planning process. Source: *The Planning System and Flood Risk Management Guidelines for Planning Authorities*, 2009, prepared by the DECLG and OPW.

In support of the proposed development, O'Connor Sutton Cronin prepared a detailed Site-Specific Flood Risk Assessment (SSFRA) and undertook the necessary Justification Test in two parts; namely the (1) Development Plans Justification Test; and the (2) Development Management Justification Test. In Section 5 of the SSFRA, it was concluded that the development of the site for residential purposes passed the Justification Test on both counts and accords with the provisions of the Current Plan.

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An appropriate strategy is also provided in Section 6 of the SSFRA to achieve the appropriate development of the site, with a suite of comprehensive design interventions to be applied to the scheme as follows:

- “6.1.3 To achieve design objectives for density and urban design, it is proposed **to rationalise the flood extent area to create a contiguous and coherent developable area**. This is achieved by raising ground levels in areas of the existing floodplain and lowering ground levels in areas outside the existing floodplain to provide compensation. This compensation storage will be provided on a direct “level-for-level” basis, in accordance with CIRIA C624 and the 2009 Planning Guidelines.
- 6.1.4 **All proposed buildings will be provided with a minimum FFL of 3.42mAOD**, which ensures adequate freeboard to future scenario tidal and fluvial flood levels.
- 6.1.5 Pluvial flooding risk has been assessed and it is considered that offsite pluvial flooding is not a significant risk. **The design of internal road and FFLs should ensure that pluvial flooding is directed away from buildings and towards the existing boundary watercourses.**
- 6.1.6 It is recommended that the **proposed drainage systems are designed in accordance with current best practices and Building Regulations. Attenuation of surface water runoff should be provided, and discharge limited to pre-development greenfield rates**. In circumstances where the proposed drainage system is constructed as designed (in accordance with the relevant standards and regulations), the flood risks arising from the proposed drainage infrastructure will be negligible and no further mitigation is required.
- 6.1.7 The flood risk represented by ground water is negligible and no further mitigation is required.”

[SSFRA Report, pg. 40 – **Our emphasis.**]

In summary, the development of the subject site for the SHD as proposed, or other substantial residential schemes, should not be impeded by the designation of the lands within ‘Flood Zone A’, as such development can be clearly justified with respect to the site’s urban location within Dungarvan-Ballinroad, underutilised nature, and potential for

critical housing delivery. Furthermore, a comprehensive suite of design interventions has been proposed, as outlined in the OCSC assessment above, which are sufficient to mitigate existing flood risk at this location and meet the design objectives for density and urban design for significant residential development on the site.

4.1 Strategic Flood Risk Assessment and Development Plans Justification Test

A Strategic Flood Risk Assessment for the Draft Plan has been prepared and undertakes a high-level assessment and Justification Test of the flood risk and land-use zoning in the Duckspool area (including the subject site). This Justification Test was undertaken on the basis of the subject site having been rezoned to GBC/G3 and not on the basis of having its historic residential zoning (i.e. the Assessment reads as though the subject site was not even considered for residential development in the first instance). It also inappropriately and incorrectly disregarded all flood defences that are present in the Duckspool area, thereby nullifying the significant historic and ongoing investment in their provision and maintenance and ignoring the CFRAM Study mapping that indicates that development at the subject site is feasible and acceptable subject to measures (see Figures 4.2 and 4.3).

However, this approach contradicts the comments elsewhere in the Strategic Flood Risk Assessment regarding the “robustness” and “usefulness” of the CFRAM Study:

“Depth, velocity and risk to life, and defended areas are also available. Modelling is 'best of breed' and outputs will allow informed decisions on zoning objectives. Design water levels will inform decisions relating to raising land and setting finished floor levels...”

Very useful but undertaken at a catchment level. In general, CFRAM provided all information needed to apply the JT for Plan Making under the SFRA. Site specific FRAs will still be required for planning applications, but information on water levels can form the basis of decision in relation to finished floor levels. However, it is important to note that CFRAM outputs should not be relied upon without review and consideration of appropriateness to the site in question.” [emphasis added]

Therefore, it is considered appropriate to undertake a **site-specific** Development Plans Justification Test for the subject site, rather than the Duckspool area (which draws on the findings in Section 3), and to refer the reader to the detailed SSFRA prepared as part of the planning application for the SHD proposed on-site (which would cover the Justification Test Development Management).

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The SSFRA, as a site-specific rather than area-generic assessment, reviewed in detail the risks associated with the subject site and guided the appropriate design for residential development thereat, including appropriate site layout and finished flood levels so as to be within the defended area and at safe heights.

1. Urban settlement is targeted for growth.

Yes: The subject site is located within the settlement of Dungarvan, Co. Waterford and is targeted for future population growth by relevant plans at all levels; nationally by *National Planning Framework: Ireland 2040 Our Plan* (NPF), regionally by the *Regional Spatial and Economic Strategy for the Southern Region* (RSES), and locally by what will be the *Waterford City and County Development Plan 2022-2028*⁹.

The NPF provides the structure and overarching planning and development principles for Ireland. It targets notable growth within the Southern Region under National Policy Objective (NPO) 1b of between 340,000–380,000 by 2040. In doing so, it has identified ‘Compact Growth’ as the number 1 National Strategic Outcome (NSO); driving population growth into existing urban settlement where critical mass can be secured, and appropriate sites developed (see below). To achieve this, NPOs 3a and 3c are of importance:

NPO 3a – *“Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.”*

NPO 3c – *“Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.”*

The zoning of the subject site for residential development will actively support the delivery of much needed housing within the urban settlement.

As the guiding regional planning document, the RSES is intended to transpose the high-level principles of planning and development in the NPF to appropriate local levels. The RSES reiterates the NPF’s policy objectives to drive population growth into existing urban centres and identifies Dungarvan as a ‘Key Town’, which is intended to “play a significant role in strengthening the urban structure of the Region.” To achieve appropriate population growth the RSES sets out Regional Policy Objectives (RPOs) 11a and 35c:

⁹ Presently, both the *Waterford County Development Plan 2011–17* (WCDP) and *Dungarvan Town Development Plan 2012–2018* (DTDP) are in force in respect of the town of Dungarvan and dictate its planning and development. Both statutory plans identify the settlement as a being intended for significant growth, albeit based on outdated methodologies and targets.

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RPO 11a – “Local Authorities are supported in **targeting growth of more than 30% for each Key Town** subject to capacity analysis and sustainable criteria under Section 3.3 A Tailored Approach, RPO 2 Local Authority Core Strategies and the sustainable requirements under the following sub sections of RPO 9 Key Towns. The appropriate level of growth is to be determined by the Core Strategy of Development Plans.” **[emphasis added]**

RPO 35c – “Development Plans shall set out a transitional minimum requirement to deliver at least 30% of all new homes that are targeted in settlements other than the cities and suburbs, **within their existing built-up footprints in accordance with NPF National Policy Objective 3c**. This will be evidence based on availability and deliverability of lands within the existing built up footprints.” **[emphasis added]**

The proposed development will actively support the attainment of these policy objectives, securing residential development within the extent of the Dungarvan settlement area and immediately adjacent to schools, childcare facilities and recreational amenities (Waterford Greenway).

At a local level, the Core Strategy of the Draft Plan has targeted Dungarvan’s (including Ballinroad) population to grow from 10,388 in 2016 to 11,864 in 2028; an increase of 1,476 or 14.2% (refer to Section 2 of this submission for further discussion). Achieving this growth is vital to arrest and reverse the 2% population decline that occurred in Dungarvan (excluding Ballinroad) between 2011 and 2016.

2. The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:

i. Essential to facilitate regeneration and / or expansion of the centre of the urban settlement.

Yes. As has been illustrated in detail in Section 3 of the submission document, the subject site is – when compared with the sites presently zoned ‘residential’ by the Draft Plan – identified as the most sustainably located and connected in the Dungarvan area. It is located proximate to the centre of the town, public transport connections and a series of important local community services and amenities.

As was also indicated, 3 no. of the sites zoned for residential development (Sites 4, 5 and 6) are either already committed to, or proposed for, development or are high unlikely to come forward for development during the lifetime of the Draft Plan. Specifically, the site identified as Site 5 has an area of greater than 20 ha and although zoned for residential development in successive statutory plans, has failed to come forward for development.

As a single site, it accounts for 62% of the ‘New Residential Medium Density – NR (M)’ and ‘New Residential Low Density – NR (L)’ lands zoned in the Draft Plan. Therefore, WCCC are highly dependent on its delivery to meet the vast majority of the settlement’s housing needs, despite it having failed to come forward for development in recent decades, requiring 3km of significant and expensive (approximately €6 million (excluding land purchase) new and upgraded road infrastructure (potentially necessitating compulsory purchase of land) and being in complex ownership with multiple parties. **This over reliance on a single site, to deliver in excess of 60% of the requisite housing stock for the Town, represents an inherent lack of flexible capacity in strategic forward planning. In essence, if Site 5 fails, then the (Draft) Development Plan also fails.**

Consequently, to meet the housing needs of Dungarvan and to accommodate the “*expansion of the centre of the urban settlement*” it is vital that the subject site retains a residential land-use zoning designation. It is proven to be an appropriate location for development within the town; and benefitting from its proximity to the town centre and the host of community services, will support healthier, safer and more sustainable living and travel patterns. **Opting to zone sites other than the subject site for residential uses would be contrary to the sequential approach to development and inappropriately prioritise the development of less sustainably located and connected sites and reinforcing the status quo with respect to historic patterns of sprawl, increasing journey/travel times to work/school and a continued dependence on using the private car.**

ii. Comprises significant previously developed and / or underutilised lands.

Yes. Whilst the subject site has remained undeveloped, it is deemed to be an underutilised site, primed for sustainable development given: its proximity to the centre of the Dungarvan settlement, primary and secondary schools, childcare facilities and other local services; its locational context, surrounded by existing or proposed development to the south, west and north, thereby promoting compact infill development; its ability to connect existing residential areas in the south-west with the schools to the north-east; and although a prime site for residential development, its ongoing limited use for agriculture.

iii. Is within or adjoining the core of an established or designated urban settlement.

Yes. The subject site is immediately contiguous to the established built-area of Dungarvan (Figure 4.5). To its south, west and north-west are existing residential and mixed-use developments and to its north-east are the cluster of schools and their play pitches (all shown in purple). To the subject site’s north is an additional site (shown in blue) that is presently being proposed for the development of 77 no. residential units (Reg. Ref. 21346), with a request for further information sought by WCCC indicating a

strong prospect for a positive decision. Therefore, the subject site is not removed or separate from the urban settlement of Dungarvan. In fact, it will play an important role in linking the above-mentioned areas of development together, noting their lack of connectivity and the isolation of the school cluster to the north-east. This will progressively infill this prime, undeveloped, underutilised urban site.

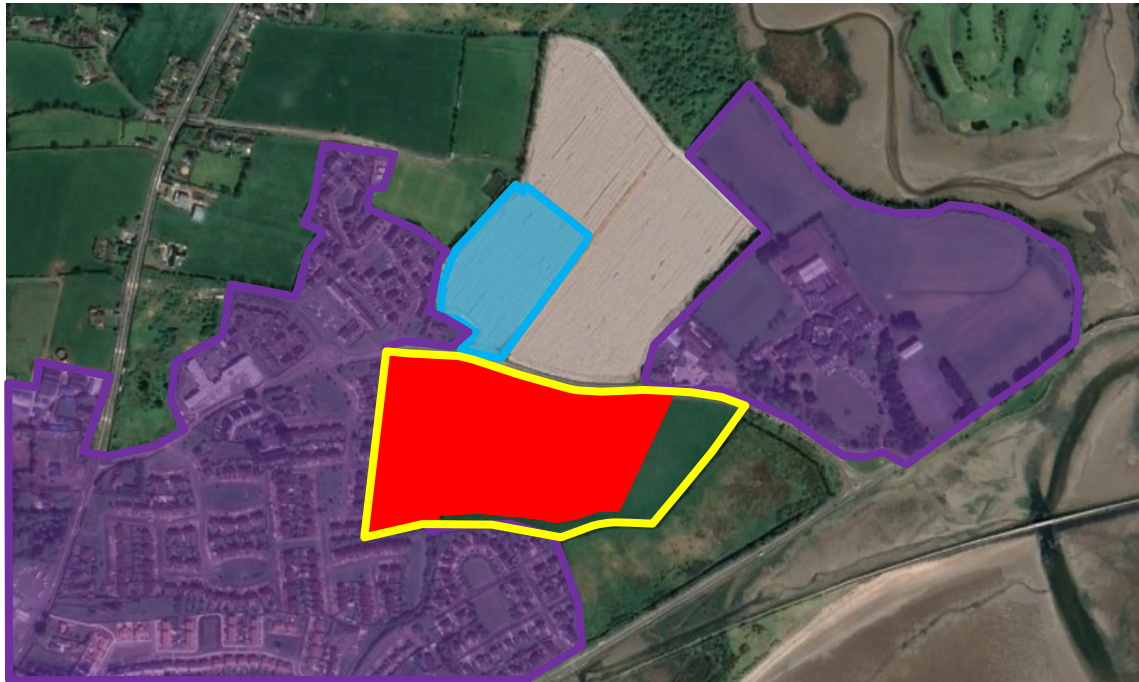


Figure 4.5: Existing development (purple) and proposed development (blue) surrounding the subject site (red) and full landholding (yellow).

iv. Will be essential in achieving compact and sustainable urban growth.

The development of the subject site will play a key role in delivering compact and sustainable growth within Dungarvan. As demonstrated in Figure 4.5 and in response to 2iii, the subject site is almost entirely surrounded by existing or proposed development; therefore, it is somewhat considered infill in its definition. Its development will allow for the logical infilling between developed areas. Consequently, its development is wholly supported by the above-mentioned NPOs and NSO of the NPF and the RPOs of the RSES.

In addition, the alternative to zoning the subject site for residential development must be considered. As Section 3 of this submission has clearly evidenced, **this would require the zoning and development of other notably less sustainable sites that would not allow for the same level of “compact and sustainable urban growth” to be secured.** These other sites are at a greater remove from the town centre, less well connected to services and amenities and in many instances, unserved and dependent on the delivery of significant road infrastructure upgrades (e.g. Site 5).

v. There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

Whilst the assessment undertaken in Section 3 highlighted the other sites zoned for residential development within the Draft Plan, it also emphasised that a series of these are either already committed to, or proposed for, development or high unlikely to come forward for development during the lifetime of the Draft Plan. In addition, the subject site proved to be the most appropriately located and connected site in the assessment, illustrating its appropriateness for development as a sustainable proposition. Vitally, it should also be noted that the bulk of the subject site is defended and, therefore, not at the same level of risk that might at first seem to apply to Flood Zone A lands and available for development.

Therefore, while there may be “*alternative*” sites, they are **not** available or as *appropriately* located as the subject site to deliver sustainable residential development.

3. A flood risk assessment to an appropriate level of detail has been carried out.

The above-mentioned Strategic Flood Risk Assessment for the Draft Plan was undertaken at a high-level for the Duckspool area, discounted the presence of flood defences (as incorporated into the CFRAM Study) and assumed that the subject site was zoned as GBC, rather than as residential (as has historically been the case). However, it did note the appropriateness of undertaking site-specific assessment in support of development on individual sites.

Therefore, WCCC is respectfully directed to the SSFRA prepared in support of the SHD proposed at the subject site, included in Appendix C. This thoroughly detailed assessment identified that the subject site is within Flood Zones A, B and C, but is significantly defended. Furthermore, it concluded that flood risk would not be increased elsewhere as a consequence of the development and that development could feasibly and safely take place, with finished floor levels of 3.42mAOD provided to ensure “*adequate freeboard to future scenario tidal and fluvial flood levels.*”

The significant detail within this robust, technical document should provide comfort that a local, site-specific level, the development of the subject site is appropriate and can be delivered without undue risks.

5 Ecology

We note that the location of the subject site is proximate to – **but entirely outside of** – the Dungarvan Harbour Special Protection Area (SPA) (see Figure 5.1), and has been observed to be a foraging area for overwintering Brent geese (Light-bellied) (*Branta bernicla hrota*), black-tailed godwit (*Limosa limosa*), curlew (*Numenius arquata*), golden plover (*Pluvialis apricaria*), lapwing (*Vanellus vanellus*), grey plover (*Pluvialis squatarola*) and redshank (*Tringa tetanus*). These species are listed as qualifying interests of the SPA.

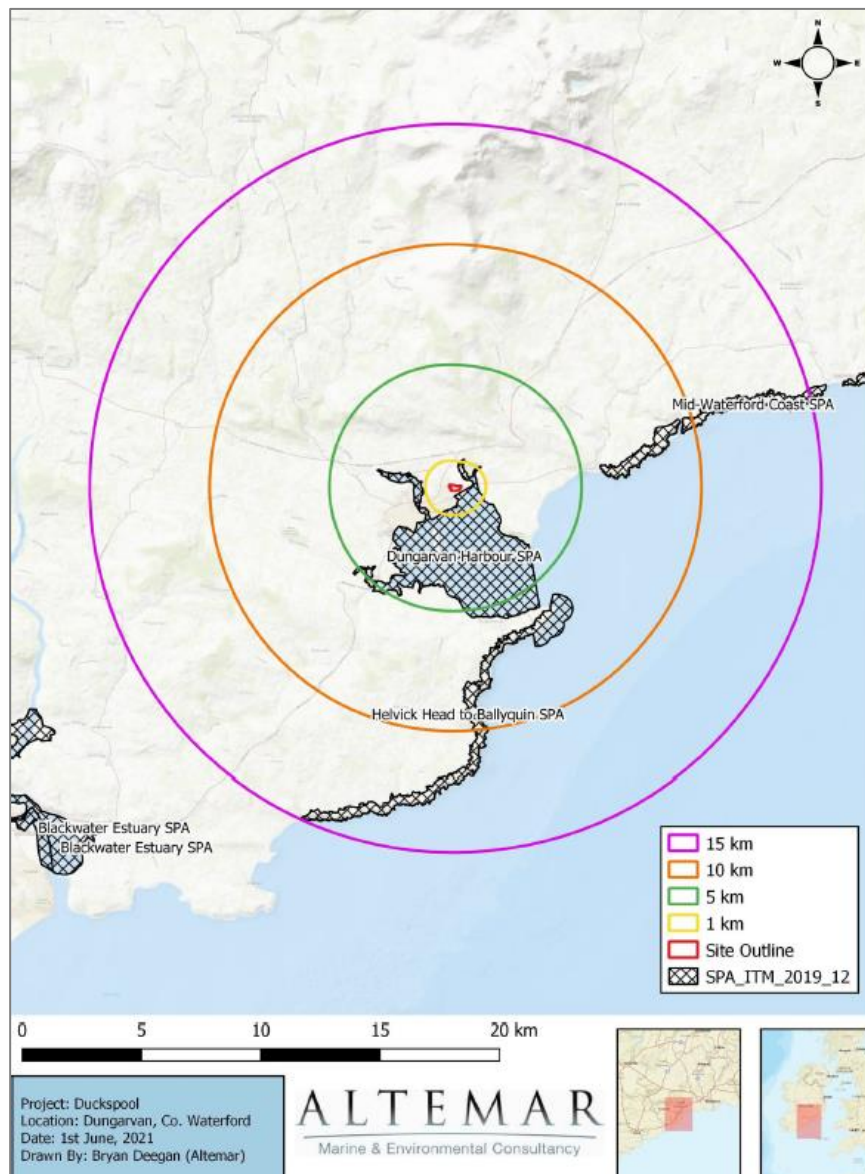


Figure 5.1: Special Protection Areas (SPA) within 15km of the proposed development site. Source: EclA Report, prepared by Altemar Ltd., July 2021.

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With respect to these ecological sensitivities, an Ecological Impact Assessment (EclA) of the proposed SHD development at the subject site was prepared by Altemar Ltd. in July 2021 (as was a Natura Impact Statement). This report is included in Appendix D for reference and concludes that no significant environmental impacts are likely in relation to the construction or operation of the proposed development, as a robust series of mitigation measures are proposed to prevent negative interactions. Regarding the design and operation of the proposed SHD scheme, the report states:

“The proposed development design and landscape strategy have undertaken significant measures to ensure foraging of the qualifying interests is maintained on the eastern portion of the site. This has included placing a landscaped buffer between the proposed development and the managed (for wintering birds) grassland. The open space will be managed during wintering months to ensure no disturbance of wintering birds in this area...

Following the implementation of the mitigation measures outlined, the construction and presence of this development would not be deemed to have a significant impact. No significant impacts are likely on biodiversity. Based on the data gleaned by the Wintering Bird assessment it is considered that the loss of ex-situ habitat for foraging wintering birds will not impact on the conservation objective attributes of “Distribution” and “Population Trend” of any of the qualifying interest species of Dungarvan Harbour SPA.”

[EclA Report, pg. 45 – **Our emphasis.**]

The EclA is supported by a detailed *Wintering Bird Assessment* (WBA) included as Appendix I to the report which involved a significant series of comprehensive surveys at the subject site and within the environs of Dungarvan and the SPA. This study looked specifically at the network of *ex situ* inland feeding sites in the Dungarvan Area (i.e. those outside of the SPA) for Brent geese and the other qualifying interests of the SPA summarised above, and concludes:

“The proposed development would result in the loss of foraging habitat in the vicinity of the Duckspool area but it would not be expected to result in significant effects on the other 10 existing foraging sites known to be used in the Duckspool area. As was observed during the surveys when numbers are high the geese appear to spread across the foraging sites. Numbers would be expected to increase at the other sites or, new foraging areas would be found. As noted in the wintering bird assessment there are approximately 1400 hectares of potentially suitable habitat in the immediate vicinity of Dungarvan that is potentially suitable as foraging

area (Figure 19). The area lost by the Duckspool development would represent 0.5% of this habitat within the wider Dungarvan area...

[WBA Report, pg. 29 – **Our emphasis.**]

As per the WBA commentary, whilst the subject site is identified as a foraging site for wintering bird species within the area, these birds show varied habits in grazing activities; regularly frequenting a series of other sites and with access to more than 1,400 ha of alternative sites in the immediate vicinity that suitably meet their needs (Figure 5.2). Therefore, this is ample carrying capacity to support the various wintering bird species.

In fact, available alternative sites are well in excess of the 1,400 ha noted, as the WBA principally focused on zoned lands (per the DTDP and the Dungarvan Environs land-use zoning maps) and those immediately adjacent to the SPA. Given Dungarvan’s limited urban extent and significant rural hinterland, there are ample alternative sites that wintering birds could use to forage (unlike in more extensively and intensively developed urban areas, such as the contiguous built-area of Dublin). **Importantly in considering lands in a settlement where there are real opportunities to secure compact urban growth, it must be noted that none of the identified lands enjoy the same benefits of zoning, serviceability, central location and flood defence as does the subject site.**

With respect to distances that species will travel between their roosting and foraging locations, it is noted that the Cunnigar Spit is one of the main locations at which Brent geese (as just one species example) roost, but that research suggests they will “preferentially” travel to sites within 3–5km to forage¹⁰. Supporting this, another study suggests that they will travel 4.64–10.15km per day¹¹ and another indicates that they will travel 8.2km (+/- 2.5km) on average per day¹² to forage. **Therefore, the extent of the study area used for the WBA is considered to be appropriate and within reason, as all field areas fall with the 3–5km range and would allow for total daily journey distances within the regions indicated (refer to the 3km and 5km buffers on Figure 5.2).**

Drawing on the above findings, WCCC is also directed to Figure 5.3, extracted from the *Dungarvan Harbour Special Protection Area Conservation Objectives Supporting Document*. This is one of a series of maps within the document that illustrates the

¹⁰ BSG Ecology (2014) *St Aidan’s CBS, Dublin – Assessment of Importance of Loss of Foraging Habitat to Light-bellied Brent Geese*. Profile available here: https://www.bsg-ecology.com/wp-content/uploads/2016/01/Project-Profile_St-Aidans-CBS-Dublin.pdf

¹¹ Clausen, K. K. et al (2013) Foraging range, habitat use and minimum flight distances of East Atlantic Light-bellied Brent Geese *Branta bernicla hrota* in their spring staging areas. *Wildfowl Journal*, Issue 3, p. 26-39.

¹² Summer, R. W. and Critchley, C. N. R. (1990) Use of Grassland and Field Selection by Brent Geese *Branta bernicla*. *Journal of Applied Ecology*, Issue 27, p. 834-846.

distribution of the SPA's avian qualifying interests. Specifically, Figure 5.3 highlights the historic foraging and roosting locations of Brent Geese within and outwith the SPA, during surveys undertaken in 2009 and 2010. A dense cluster is evident to the north-west of Dungarvan town and **none are shown at the subject site (which the Conservation Objectives Supporting Document indicates had no other qualifying interests present either)**. However, during the surveys undertaken by Altemar in recent years, no geese were noted at the location of the cluster shown in Figure 5.3. **This is clear evidence of this species' transience within the SPA and its environs, which further supports the case that they will occupy alternative sites should part of the subject site be committed to residential development.**

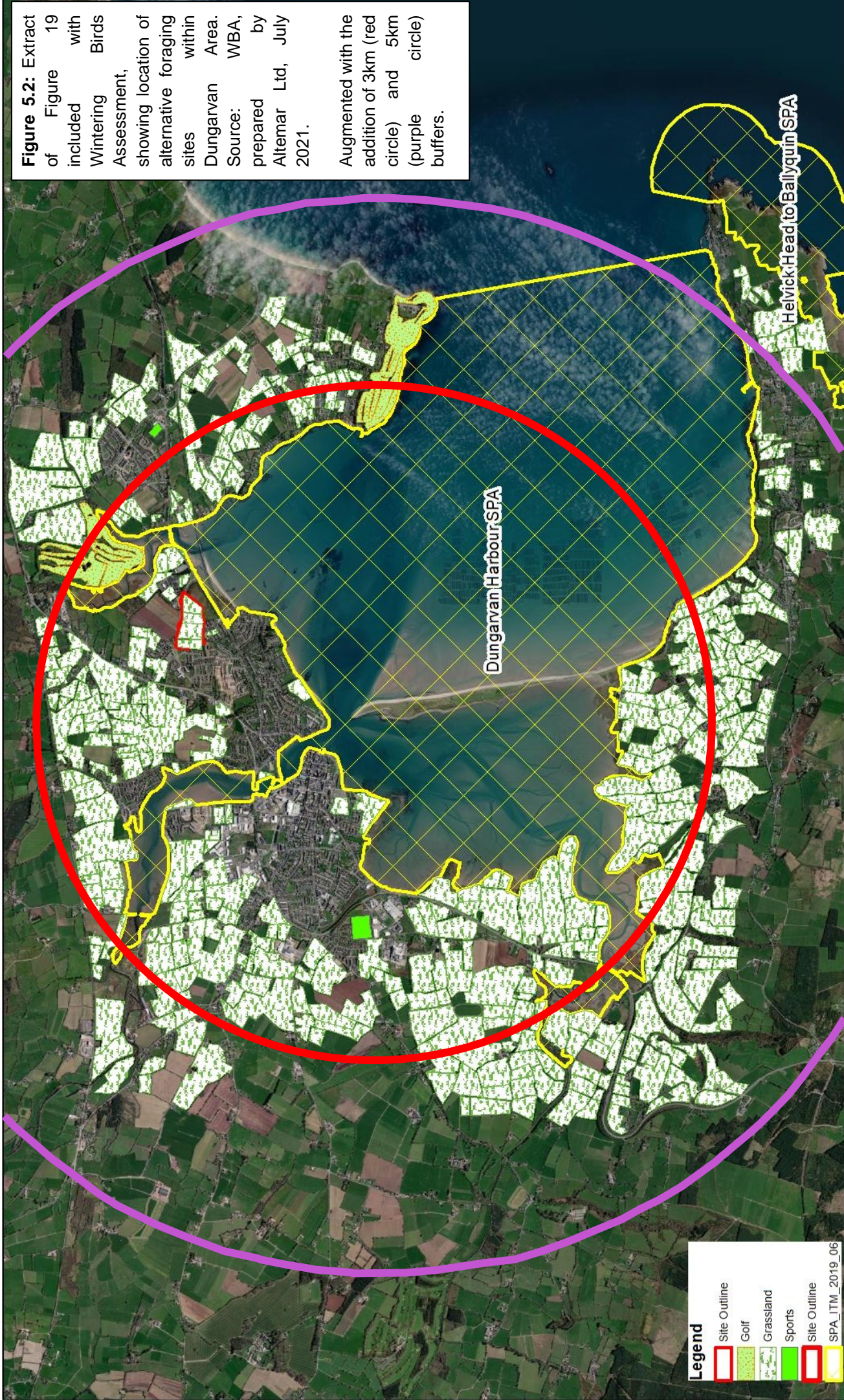
In addition, presuming the presence of SPA qualifying interests at the subject site is part of the rationale underpinning its rezoning, it is important to note that **the rezoning of the site to GBC/G3 will not, in and of itself, protect the lands for use by wintering birds**. As a zoning designation with a conservation objective, allowing the subject site to 'rewild' would result in **an increase in grass and vegetation heights and densities, thereby discouraging its use by birds**, who prefer shorter, accessible grass (as has occurred at the site to the immediate south-east). Similarly, **changes to the type of agricultural activity thereat (ploughing, crops, etc.) would also deter wintering birds, who frequent the site solely because of its current state, with short grass** due to regular grazing by cattle.

This assessment provides the necessary comfort to allow for residential development of the site, subject to the application of appropriate controls and mitigation measures in the implementation of the proposed design and operation of any residential scheme. Therefore, additional conservation measures are not required to protect the ecological interests of the area and the proposed 'Green Belt and Conservation' zoning of the subject site included as part of the Draft Plan should be withdrawn in the interests of critical housing delivery within the Dungarvan-Ballinroad development area.

As a closing comments; drawing on the analysis within the WBA and the discussion above, the rezoning of the subject site – **ex situ to the SPA** – from residential to Green Belt and Conservation due to the occasional presence of qualifying interests thereat would be unique. Furthermore, **it would create a state-wide precedent** that the development of lands (residential in this instance) where qualifying interests are occasionally present is prohibited, despite the significant evidence indicating the transience of the species, the availability of alternative foraging lands and the mitigation measures to be delivered on-site.

Figure 5.2: Extract of Figure 19 included with Wintering Birds Assessment, showing location of alternative foraging sites within Dungarvan Area. Source: WBA, prepared by Altamar Ltd, July 2021.

Augmented with the addition of 3km (red circle) and 5km (purple circle) buffers.



Legend	
	Site Outline
	Golf
	Grassland
	Sports
	Site Outline
	SPA_ITM_2019_06



Meters
0 800 1,600 3,200

ALTEMAR
Marine & Environmental Consultancy

Project: Duckspool
 Location: Dungarvan
 Date: 27th August 2021
 Drawn By: Bryan Deegan



7th October 2009
Low Tide Count



17th November 2009
Low Tide Count



17th December 2009
Low Tide Count



11th February 2010
Low Tide Count

Legend

Count subsite boundaries & broad habitat types

-  Subtidal
-  Intertidal
-  Supratidal
-  Terrestrial

-  Light-bellied Brent Goose Foraging
 -  Light-bellied Brent Goose Roosting/Other
- 1 dot = 5 birds



Figure 5.3: Extract from the *Dungarvan Harbour Special Protection Area Conservation Objectives Supporting Document*.

6 Conclusion

The subject site is presently zoned for 'R1', 'R2' and 'R3' residential uses (with 'OS' open space uses on the lands immediately to the east, which are part of the SHD application area) in the extant *Waterford County Development Plan 2011-2017* and *Dungarvan Town Development Plan 2012-2018*.

However, it is proposed to be rezoned as 'Green Belt and Conservation' in the Draft Plan. We note that this site is the subject of an SHD application currently under consideration by An Bord Pleanála (ABP Ref. TA93.310782), which comprises 218 no. residential units (including 176 no. houses and 42 no. apartments), crèche, community car park, open space and associated site works within the urban area of Dungarvan-Ballinroad. This SHD is due to be decided by 26 October 2021.

Mr. Ryan is committed to the development of the subject site and has serious concerns regarding the change of zoning proposed within the Draft Plan, which will interfere with the timely delivery of critical housing delivery within Dungarvan-Ballinroad. Therefore, we respectfully request that the *Draft Waterford City and County Development Plan 2022-2028* make provision for the following:

"Lands comprising approximately 8 ha located at Duckspool, within the urban area of Dungarvan-Ballinroad, to have their zoning designation amended to 'New Residential Medium Density – NR (M)' in light of their appropriateness for residential development and to accord with the new residential zoning designations provided in the Waterford City and County Development Plan 2022-2028."

This submission has provided evidence that a number of the 'New Residential' sites currently proposed within the Draft Plan are not likely to support further housing delivery during the lifetime of the Plan due to current planning or construction activity or longstanding infrastructural challenges, and will generate a shortfall of approximately 16 ha on the residential land requirement of approximately 25 ha identified for Dungarvan-Ballinroad within the Core Strategy.

As the subject site adjoins a designated consolidation area at Duckspool, it is better positioned for residential delivery than all of the 'New Residential' sites currently identified within the Draft Plan, is not unduly constrained by the flood risk or ecological sensitivities detailed above, and is currently subject to a significant SHD planning application under consideration by An Bord Pleanála, it is respectfully requested that the zoning designation of the lands at Duckspool be restored to residential uses in the Draft Plan, in support of additional housing delivery at this location.



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Appendix A: Land-Use Zoning Justification

Waterford County Development Plan 2011-2017 (extended)
Dungarvan Town Development Plan 2012-2018 (extended)

Prepared by KPMG Future Analytics, July 2021.



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Appendix B: Updated Land-Use Zoning Assessment

Draft Waterford City and County Development Plan 2022-2028

Prepared by KPMG Future Analytics, August 2021.



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On behalf of Mr. Michael Ryan



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Appendix C: Flood Risk Assessment

Prepared by O'Connor Sutton Cronin (OCSC) Consulting Engineers, May 2021.



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On behalf of Mr. Michael Ryan



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Appendix D: Ecological Impact Assessment

Prepared by Altemar Ltd. Ecological Consultants, July 2021.



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On behalf of Mr. Michael Ryan

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