

**Chief Executive's Report
on submissions received during the statutory public display of the
North Quays Draft Planning Scheme.**

January 2018

WATERFORD NORTH QUAYS STRATEGIC DEVELOPMENT ZONE

DRAFT PLANNING SCHEME 2017



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Waterford City & County Council

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1. Introduction

This Report forms part of the statutory procedure for the making of a planning scheme in relation to a designated Strategic Development Zone (SDZ), as required by the Planning and Development Act 2000 (as amended).

A SDZ is an area of land that is proposed to contain developments of economic or social importance to the state. The designation of a site as an SDZ is a decision of the Government, following a proposal by the Minister of the Housing, Planning, Community and Local Government. The Government designated the lands at the North Quays as a SDZ and specified Waterford City and County Council (WCCC) as the Development Agency (SI No 30 of 2016) in January 2016.

On designation of a site or area as a SDZ, a Draft Planning Scheme must be prepared not later than two years after the making of an order. A Draft Planning Scheme (DPS) for an SDZ must consist of a written statement and a plan indicating the manner in which it is intended that the site is to be developed. In this instance, Waterford City and County Council is the relevant Planning Authority and Development Agency. It is accompanied by a Strategic Environmental Assessment (SEA) Environmental Report and an Appropriate Assessment (AA) Report.

The North Quays Draft Planning Scheme was on public display for a six weeks period from 18th of October 2017 to 30th of November 2017. This Chief Executive's Report relates to the submissions received by the Council on the Draft Planning Scheme and is submitted to the Members for their consideration

2. Chief Executive's Report

The Chief Executive's Report summarises and details the outcomes of the public consultation on the Draft Planning Scheme and contains the following:

1. A list of the persons or bodies who made submissions or observations on the Draft Planning Scheme.
2. A summary of the issues raised by the submissions/observations, the Chief Executive's Response to the issues raised and the Chief Executive's Recommendation to the issues raised taking into account the proper planning and sustainable development of the area, the statutory obligations of any local authority and any relevant policies or objectives of any Minister of the Government.
3. In accordance with the Planning Acts, the issues raised in the submissions by the Environmental Authorities and other Prescribed Authorities are dealt with separately to other submissions received.
4. Minor typographical errors or discrepancies will be amended in the final Planning Scheme. Similarly, where draft plans or policy documents, have been up-dated or approved during the preparation process, these will be amended accordingly in the final Planning Scheme.

3 Public Consultation & Submissions

Section 169 of the Planning and Development Act 2000 (as amended) sets out the requirements to carry out public consultation in respect of a Draft Planning Scheme. Public consultation took place over a six week period from the 18th of October 2017 to 30th of November 2017. In accordance with Article 179 A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and Habitats Directive 92/43/EEC, the SEA Environmental Report and an AA Draft Natural Impact Assessment.

47 valid submissions were received on the Draft Planning Scheme during the public display period. The Council wishes to express its appreciation to those who reviewed the draft scheme and accompanying documents and made submissions. A list of the submissions is set out in Section 9.0. Each submission was fully considered and has been summarised in the Chief Executive's Report. A hard copy of each submission is also available to view on request in the Planning Department

4 Strategic Environmental Assessment (SEA) & Appropriate Assessment (AA)

An Environmental Report and an AA Report accompanied the public display of the Draft Planning Scheme. The Chief Executive's Report on submissions received includes a summary and consideration of all submissions on these documents and/or the process of SEA/AA.

In addition, any amendments proposed arising from the Chief Executive's Recommendations have been screened and assessed for the purposes of SEA and AA. Amendments have also been reviewed taking into consideration the need for additional mitigation measures, where applicable. As part of the Chief Executive's report, Section 11 outlines additional amendments.

An SEA Statement and an AA Statement will be prepared on final adoption of the scheme, demonstrating how environmental considerations have been integrated into the Planning Scheme.

5 Next Steps

The Members of Waterford City and County Council shall consider the Draft Planning Scheme and the Chief Executives Report. Such consideration shall be completed within 6 weeks of the submission of the Report to the Members. Where, following consideration of the Draft Planning Scheme and the Chief Executives Report, it appears to the Members that the draft should be accepted or amended, they may by resolution, accept or amend the draft and make the Planning Scheme accordingly.

Should amendments be proposed that would constitute material alterations to the draft planning scheme, there is a further public display period giving people an opportunity to comment only on the proposed amendments. Any proposed amendments will be screened for SEA and AA Assessment as required

This is followed by the preparation of a Chief Executives Report for Members on the material amendments and any submission /observations received. Members may then make the Planning Scheme with or without the proposed amendments, or with modifications to the proposed amendments, as they consider appropriate.

The Planning Scheme for the North Quays Strategic Development Zone (SDZ) will come into effect four weeks from the date that it is made, unless an appeal is brought to An Bord Pleanála.

6. Appeal

The scheme as adopted by WCCC may be appealed to An Bord Pleanála by any person who has made a submission on the Draft Planning Scheme, provided this appeal is made within 4 weeks of the decision of WCCC to adopt the scheme. The appeal process may include an oral hearing to be held by the Board. The final decision may be issued up to 26 weeks from the initial appeal date.

If approved, WCCC must grant permission for development that is consistent with the Planning Scheme.

7. Structure of the Report

- Additions to the text of the Draft Planning Scheme are identified through the use of blue print.
- Deletions to the text are identified through the use of red print with a ~~strikethrough~~-ie ~~red~~.
- Note that the numbering of the objectives as presented in the Draft Planning Scheme will have to be amended in the final Planning Scheme to take account of including additional objectives into various sections.

8. Recommendation by the Chief Executive to the Members of Waterford City and County Council.

It is recommended that the Council, having regard to the submissions received on the Draft Planning Scheme and the Chief Executive's Response and Recommendations set out in this document, should by resolution make the Planning Scheme.

9 Summary of Submissions Received by State Agencies and Chief Executives Response and Recommendations.

Submissions received from the following State Agencies are summarised hereunder.

- Department of Housing, Planning, Community and Local Government (Sub 18)
- Southern Regional Assembly (Sub 41)
- National Transport Authority (Sub 26)
- Transport Infrastructure Ireland (Sub 12)
- Environmental Protection Agency (Sub 23)
- Irish Water Sub (Sub 24)
- Department of Culture Heritage and the Gaeltacht (Sub 32)

Department of Housing, Planning, Community & Local Government (DHPCLG) Submission number 18

1. Welcomes the publication of the Draft Planning Scheme and considers it to be a key and strategic contributor to the future development of Waterford City and its positioning within the wider region. The DHPCLG considered the Draft Planning Scheme to be a rational and effective approach to the development of this key site that is strategic in both metropolitan and national terms because of its central location within one of the State's key urban areas.

In particular the DHPCLG recognises the important commercial and economic contribution that the integrated development of this site can bring to Waterford City.

2. The Department considers that the Draft Planning Scheme would benefit from articulating in further detail how it aligns with the National Planning Framework,(NPF), particularly relevant national strategic outcomes and national policy objectives.
3. The Department recognises that the SDZ can accommodate significant levels of development including comparison shopping and notes the submitted updated retail assessment.
4. The Department welcomes that the draft planning scheme clearly places considerable importance on the delivery of a new pedestrian/public transport bridge and will work with WCCC in progressing that proposal with the relevant funding and delivery agencies. The scheme should set out clearly the quantum of development that would be contingent on the delivery of the bridge.
5. The Department recognises that the Draft Planning Scheme puts in place a practical approach to development this important waterfront site.
6. The Department recognises that building heights have been dealt with in a practical way taking into account topography and the location of the SDZ.
7. The Department makes reference to work being carried out to revise polices in relation to relevant planning requirements for apartments.
8. The Department recommends that the draft scheme be revised with a view to expanding its level of ambition for delivery of housing by allowing for the introduction of a percentage of floor space, which though currently is earmarked for office or retail, could be reallocated for apartment development in line with wider viability and demand parameters. It is recommended that this percentage of flexible space should be 20%.

Chief Executives Response

1. WCCC welcomes the DHPCLG support of the Draft Planning Scheme.
2. The Council notes the comments in relation to the NPF. The NPF recognises Waterford as the principal urban centre in Ireland south east and its objectives is to enable Waterford City to become a regional city of scale. The development of the North Quays will allow for a stronger Waterford City that would lead economic recovery and economic advancement /expansion for the south east. Additional text to be inserted into the Planning Scheme outlining how the Scheme aligns with the NPF.
3. Noted. WCCC welcomes the support from the Department in relation to quantum of development on the North Quays including comparison shopping.
4. Delivering the North Quays SDZ and the sustainable transport bridge is a key future growth enabler for Waterford and is specifically stated in the draft NPF. It is considered that the sustainable transport bridge will have to be constructed contemporaneously with the first phase of development on the North Quays as outlined in section 6.11.It is further stated that

“The provision of the Sustainable Transport Bridge connecting to the City Centre is a vital prerequisite of the North Quays development.”

5. Noted. WCCC have put considerable thought into the overall development of the SDZ site.
6. Noted. The Draft Planning Scheme seeks to provide for sustainable and practical approach to building heights in a manner which promotes land use efficiency, the development of sustainable communities and respects the existing residential area surrounding the North Quays.
7. Amend PSS14 as follows to take account of the updated standards.- Apartment Standards are to be in accordance with the Waterford City Development Plan and the Sustainable Urban Housing : Design Standards for New Apartments; Guidelines for Planning Authorities Draft Update 2017 (or any revision of same).
8. A percentage of floor space which is currently allotted for office or retail development can be reassigned for housing should the market place demand in the interested of sustainability and future proofing the scheme.

Chief Executives Recommendations

1. Insert the following text into Section 1.2 National Policy:

The Draft Planning Scheme aligns with the NPF in that its objective is to enable Waterford to become a regional city of scale, leading the economic recovery for the South East and expanding and enhancing the local economy to realise the potential of the City and the region as a whole. One of the key future growth enablers for Waterford as set out in the NPF is the delivery of the North Quays SDZ together with a new pedestrian /public transport bridge. The objectives contained within the Planning Scheme allow for the realisation of this project.

2. Amend PSS14 as follows to take account of the updated standards.-

Apartment Standards are to be in accordance with the Waterford City Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities [Draft Update 2017 \(or any revision of same\)](#)

3. Insert the following in Chapter 4 “Table 1- Extent of Development”.

[Allow for up to 20% of office or retail floor space to be re allocated for residential development if the market place so demands.](#)

Implications for SEA/ AA: The changes proposed would not result in significant environmental effects arising from the planning scheme already determined in the SEA. Potential effects that may arise due to residential development have been provided for by the draft Planning Scheme and are considered in the environmental assessments of the SEA and AA.

Determination for SEA and AA: No significant interaction and no significant change in the findings determined in the SEA and AA.

Southern Regional Assembly (SRA) Submission No 41

1. The SRA welcomes the preparation of the Draft Planning Scheme which is located on a key regeneration site within the Waterford PLUTS area and the Waterford City Gateway. The SRA state that the themes and policy objectives developed through successive plans for the City and Region area carried through to the Draft Planning scheme.
2. The SRA would welcome the commencement of a joint Retail Strategy in co-operation with other relevant Local Authorities.
3. The SRA note that a SEA and a Strategic Flood Risk Assessment have been carried out as part of the Draft Planning Scheme.
4. The SRA also notes the conclusion of the Draft Natura Impact Report stating that there will be no adverse effect on the integrity of any Natura 2000 site arising from the adoption and implementation of the Draft Planning Scheme.
5. The SRA acknowledges the work of WCCC in preparing the Draft Planning Scheme and is satisfied the overall scheme is consistent, as far as practicable, with the South East Regional Planning Guidelines 2010-2022.

Chief Executives Responses

1. The Council welcomes the support of the Southern Regional Assembly for the draft planning scheme. WCCC is committed to working with the SRA in commencing a Joint Retail Strategy.
2. WCCC is committed to engaging in the preparation of a Joint Retail Strategy for the South East Region.
3. Noted.
4. Noted.
5. Noted.

Chief Executives Recommendations

No recommended amendments.

Determination for SEA and AA: No Change

Irish Water (IW) Submission No 24

1. Irish Water acknowledges receipt of your letter dated 13th October 2017 and welcomes the opportunity to review the 'North Quays Strategic Development Zone Draft Planning Scheme.
2. **Water Services:** As stated in IW's submission dated 14/8/2017, Irish Water confirms that there is sufficient capacity within the system to serve the site. Page xxiv of the SEA report titled 'Environmental assessment' notes: '*With regards drinking water, the quality is generally good for this area. However there are exceedances reported for three parameters: Clostridium perfringens, Cryptosporidium and total coliforms*'. Irish Water adds there has also been one aluminium exceedance this year.
3. **Waste Water Services:** As stated in IW's submission dated 14/8/2017, Irish Water confirms there is sufficient waste water capacity within the system to serve the site.
4. Irish Water notes that the Ferrybank Pump Station is located within the North Quays SDZ. While much of this pump station is located underground, any development in its vicinity would have to take account of its presence and ensure appropriate access is maintained.
5. Irish Water is available to discuss the submission with WCCC and any other issue with respect to the provision of water services within our remit.

Chief Executives Response

1. WCCC welcomes the comments from Irish Water.
2. SEA Environmental Report to be updated to reflect aluminium exceedance.
3. Noted.
4. Noted. Appropriate text will be included in section 3b.1.2 of the Planning Scheme acknowledging the Ferrybank Pump Station.

Chief Executives Recommendation

1. SEA Environmental Report environmental baseline data to be updated to reflect aluminium exceedance .
2. To include the following text in section 3b.1.2 of the Planning Scheme:
[The Ferrybank Pump Station is located within the North Quays SDZ. While much of this pump station is located underground, any development in its vicinity would have to take account of its presence and ensure appropriate access is maintained.](#)

Implications for SEA/ AA: The change proposed is clarifying baseline environmental data and would not result in significant environmental effects arising from the planning scheme already determined in the SEA and AA.

Determination for SEA and AA: No significant interaction and no significant change in the findings determined in the SEA and AA.

Transport Infrastructure Ireland (TII) Submission No 12

1. TII acknowledges the provision for the North Quays SDZ in the Draft National Planning Framework and supports the overall aim of consolidating development in mixed use urban centre locations such as that proposed within an integrated landuse and transport framework.
2. The Members and the Executive of the Council will be aware and should evaluate the consequence of the special requirements of the tolling scheme (N25 Waterford By Pass PPP Scheme) and the financial implications for the Exchequer for the duration of the PPP Contract which expires in April 2036.

Chief Executives Responses

1. WCC welcomes comment and support from TII in relation to the Draft Planning Scheme.
2. It is not considered that the sustainable transport bridge will have any impact on the tolling scheme at the N25 Waterford By Pass as it is for pedestrians/cyclists and public transport within the City Centre.

Chief Executives Recommendations

No recommended amendments.

Determination for SEA and AA: No Change.

Environmental Protection Agency (EPA) Submission No 23

1. Implementing the Plan

In implementing the Plan, particularly in the context of residential, commercial and infrastructural development, the requirements of the Water Framework Directive, Floods, EIA and Habitats Directives should be complied with as relevant and appropriate.

2. Critical Infrastructure

The EPA recommend including a commitment in the Plan to support and collaborate with the relevant stakeholders including Irish Water

3. Public Open Space

The specific objectives included under sections *4.3.6 Public Open Space*, *5.2.2 Greening* and *3B.5 Biodiversity*, which in part, aim to support this commitment, are welcomed. Where relevant, consideration should be given to including a summary of the key environmental sensitivities within and adjoining the Plan area as identified in the SEA Environmental Report. This could include a summary of the designated conservation sites (European and National) and protected habitats and species within and adjacent to the Plan area, which should be taken into account in implementing the Plan and in any subsequent projects which may arise out of the Plan.

Specific comments on the Environmental Report

4. The North Quays Planning Scheme

The EPA note the reference to the Regional Spatial and Economic Strategies in *Appendix A-Relevant Plans, Programmes and Policies*, and recommend that the Plan should include specific reference to the Regional Spatial and Economic Strategy for the Southern Region that has recently commenced and which will need to be incorporated, as appropriate, into the Plan.

5. Excavation, remediation and management of contaminated soil

The EPA note the comment in section 5.6.1 *Likely Effects on the Soil and Geology Environment* that “...there may be a requirement for remediation of potentially contaminated lands and associated waste management...”. Both the Plan and SEA Environmental Report should recognise the need to remediate any contaminated soils/material/groundwater identified in implementing the Plan and specific objectives should be included, where relevant. Where significant remediation is required, a contamination and remediation assessment should be undertaken to identify areas of variable risk (low/medium/high) within the Plan area. In January 2017, the EPA published a consultation document setting out guideline values with a view to providing a common framework for determining groundwater contamination risk.

With regards to the management of any contaminated material within the Plan area, the EPA recommend that the Plan should include a commitment that the contaminated material will be managed in a manner that removes any risk to human health and ensures that the end use will be compatible with any risk. Where relevant, there is merit in including a commitment that any contaminated land identified is remediated to internationally accepted standards prior to redevelopment. The EPA recommend a coordinated approach for the remediation of the Plan area. This could be achieved by preparing an Environmental Management Plan, which covers remediation-related aspects and which should be reflected (as appropriate) in any subsequent projects which may arise out of implementing the Plan. WCCC should consider the need for authorisation of the treatment/management of any contaminated material under the Waste Management Act 1996 (waste licence, waste facility permit) (as recognised in Objective IU11) and also under the EPA Act 1992 in relation to Industrial Emissions licensing (in particular the First Schedule, with focus on class 11). General waste authorisation guidelines for contaminated land are included in Appendix 1 of this submission.

6. Surface Water Drainage

The EPA acknowledge the commitment in section 3b.1 *Infrastructure* that “... *Sustainable Drainage System SuDS will be required for any proposed developments within the Plan area..*”. The Plan should, however, also include commitments to ensure that surface water quality is protected in the construction/and maintenance of enhanced drainage systems, to ensure compliance with the requirements of the Water Framework Directive. The Draft River Basin Management Plan for Ireland 2018–2021, which is close to being finalised, should be referenced in the Plan where appropriate and its requirements taken into consideration.

7. Dredging Considerations

The EPA note the references to the need for ‘operational plough dredging of the River Suir channel’ adjacent to the Plan area to maintain navigation channels. It should be ensured that any Environmental Management Plan for the Plan area fully considers the potential for negative

environmental impacts associated with dredging activities, including any capital dredging associated with infrastructural development.

8. Evaluation of Draft Planning Provisions

The EPA acknowledge *Chapter 8 Evaluation of Draft Planning Provisions* and the comprehensive nature of *Table 9.1* which outlines the list of indicators and targets that will be used to monitor each of the Environmental Protection Objectives (EPOs) identified.

9. Monitoring Measures

The EPA acknowledge that *Table 9.2 Monitoring Proposals and Environmental Indicators* sets out in a clear manner the selected environmental indicators, targets, measurement sources and frequency of monitoring related to the Plan. To further enhance the monitoring programme, the EPA recommend that a commitment should be given to preparing an annual Monitoring Report on the significant environmental effects associated with implementing the Plan. This commitment to an Annual Review is particularly relevant in the context of the potential for cumulative effects outlined in *Appendix 5*, and effective monitoring of the uncertain effects identified in *Table 7.3*, including those associated with water resources/landscape/material assets etc. Consideration should also be given to linking SEA monitoring and reporting and Plan monitoring and reporting.

10. Environmental Sensitivity Mapping

We recommend that including a combined environmental sensitivity map of the Plan area would assist in identifying areas of overlapping environmental sensitivities which may require more site-specific mitigation measure considerations. This would also be useful in the context of supporting the commitment given for the management and control of invasive species.

11. Appendix B Scoping Responses

We acknowledge the inclusion of *Appendix B-Responses received from Environmental Authorities following SEA Scoping Consultation*, and the 'Response/Actions Proposed' column outlining how the various environmental considerations raised have been/will be integrated into the SEA Environmental Report .

12. Future Amendments to the Draft Plan

Where amendments to the Plan are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in Schedule 2A of the SEA Regulations and should be subject to the same method of assessment applied in the "environmental assessment" of the Draft Plan.

13. SEA Statement

Following adoption of the Plan, an SEA Statement should be prepared that summarises the following:

- How environmental considerations have been integrated into the Plan;

- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

Chief Executives Responses

1. Noted.
2. Commitment to be inserted into the Plan regarding working with different stakeholders.
3. Noted. It is proposed to include the following text into Section 3b.5 of the Planning Scheme: Information in relation to nationally protected habitats and species within and adjoining the site, is contained in the Strategic Environmental Assessment Environmental Report (SEA ER) Section 5.2 including the habitats and rare and protected species recorded within the Study Area. Figure 5.3 of the SEA ER illustrates the Natural Heritage Areas (NHA) and proposed Natural Heritage Areas (pNHAs) within 15km of the Draft Planning Scheme. Information relating to other environmental baseline parameters is also detailed in Section 5 of the SEA ER.
4. Reference to the Regional Spatial and Economic Strategy (RSES) for the Southern Region to be included in the Planning Scheme in Section 1.3 Regional Policy.
5. For the SDZ site, a Tier 1, 2 & 3 Investigations and Assessments have been undertaken in accordance with the Environmental Protection Agency Guidance Document, Code of Practice (CoP) for Environmental Risk Assessment for Unregulated Waste Disposal Sites (2007). The Tier 1 Assessment identified potential contamination sources and therefore a Tier 2 Site Investigations and a Tier 3 Risk Assessment were undertaken. The Tier 2 Site Investigation and Tier 3 Risk Assessment did not identify any significant soil, groundwater or ground gas contamination associated with the historical or current site uses in the proposed redevelopment area.

Soils: The suitability for use limits for commercial development were not exceeded in any of the soil sampling locations across the Port Area. The suitability for use limits for residential development were exceeded in 10% of the samples analysed. Given the proposed redevelopment design is above existing ground level, there will be no connection between the subsoils and the proposed end users and as such the source pathway receptor linkage will be absent.

Groundwater: Given the proposed end use and nature of construction for the proposed redevelopment which will be above existing ground level, the groundwater beneath the site does not present a significant human health risk to future site users.

Ground Gas: Given the nature of construction for the proposed redevelopment which will be above existing ground level, the ground gas risk is considered to be low

Waste Classification and Management

The Haz Waste Online Classification Engine, developed in the UK by One Touch Data Ltd, was used to determine the waste classification. This tool was developed specifically to establish whether waste is non-hazardous or hazardous and has been approved for use in Ireland by the Environmental Protection Agency. The classification engine excludes asbestos which was independently verified. Asbestos was not detected in any sampling. Approximately 8% of soil samples taken were classified as hazardous and have been assigned a European Waste Code (LoW) 17-05-03 (soil and stones containing hazardous substances). The material from the areas that the samples were collected must be sent for treatment/disposal to a licensed Hazardous Waste Management facility. The remaining samples are classified as European Waste Code LoW 17 05 04(soil and stones other than those mentioned in 17 05 03). Where inert Waste Acceptance Criteria levels were exceeded, the materials in these areas will require disposal in a licensed Non Hazardous Landfill. Soils in the remaining areas are suitable to be retained on site for landscaping purposes. If removal from site is required then soils must be taken for recovery to a permitted waste recovery site.

It is proposed to include a new objective in section 3b.4 of the Planning Scheme stating that all potentially contaminated land shall be dealt with in accordance with waste management legislation prior to redevelopment.

6. Comments in relation to Surface Water Drainage and compliance with the Water Framework Directive are noted. It is proposed to amend PSI 11 accordingly. The Draft River Basin Management Plan for Ireland 2018/2021 will be reference in the Planning Scheme.
7. Comments in relation to Dredging are noted.
8. Noted.
9. WCCC will prepare an Annual Progress Report detailing planning permissions granted, development commenced and/or completed, progress on objectives and progress on sustainability indicators in the SDZ.
10. The environmental sensitivities considered will be more clearly outlined in the Final SEA ER.
11. Noted.
12. Noted.
13. Noted.

Chief Executives Recommendations

1. The following Objective to be inserted into Section 3b.1.2:

To work with the relevant stakeholder including Irish Water in the delivery of infrastructure for the North Quays.

2. Insert the following text into section 3b.5 of the Planning Scheme:

Information in relation to nationally protected habitats and species within and adjoining the site, is contained in the Strategic Environmental Assessment Environmental Report (SEA ER) Section 5.2 including the habitats and rare and protected species recorded within the Study Area. Figure 5.3 of the SEA ER illustrates the Natural Heritage Areas (NHA) and proposed Natural Heritage Areas (pNHAs) within 15km of the Draft Planning Scheme. Information relating to other environmental baseline parameters is also detailed in Section 5 of the SEA ER.

3. The following reference to be included into Section 1.3 Regional Policy :

It is expected that once prepared the Regional Spatial and Economic Strategy for the South East Region will support the SDZ Government designation of the North Quays.

4. Amend PSI 11 as follows:

To ensure the protection of surface and ground water quality in the plan area and surrounding areas. Surface water quality is to be protected in the construction/maintenance of enhanced drainage systems, to ensure compliance with the requirements of the Water Framework Directive.

5. It is proposed to include a new objective in section 3b.4 of the Planning Scheme stating the following: All potentially contaminated land shall be dealt with in accordance with waste management legislation prior to redevelopment as part of an Environmental Management Plan which covers remediation.

6. Insert an additional text into Section 3b.1 Environmental Infrastructure acknowledging the Draft River basin Management Plan for Irelands 2018-2020 as follows:

The requirements of the Draft River basin Management Plan for Irelands 2018-2020 (or any subsequent update) should be taken into consideration in the development of the North Quays.

7. Insert the following objective into section 6.3 SDZ Application :

PSAI 3 Waterford City and County Council will prepare an Annual Progress Report detailing planning permissions granted, development commenced and/or completed, progress on objectives and progress on sustainability indicators in the SDZ.

8. The SEA ER will be updated to include the Figure to demonstrate the most sensitive location associated with the River Suir SAC



Implications for SEA/AA: The change proposed is clarifying baseline environmental data and working with relevant stakeholders. These changes would not result in significant environmental effects arising from the planning scheme already determined in the SEA and AA.

Determination for SEA and AA: No significant interaction and no significant change in the findings determined in the SEA and AA.

Department of Culture, Heritage and the Gaeltacht, (DCHG) Submission No 32

1. The DCHG outline that no detailed desk-based or field-based archaeological impact assessment has been carried out to date and it is recommended that the Local Authority engage archaeological consultants to carry out a detailed archaeological impact assessment to form an integral part of any Environmental Impact Assessment report prepared for the planning scheme for the Waterford North Quays.
2. It is strongly recommended that the Local Authority engage the services of a suitably qualified and suitably experienced underwater archaeologist to carry out a detailed Underwater Archaeological Impact Assessment (UAIA) as previously recommended by the Underwater Archaeology Unit of this Department (in our letter of 29 March, 2016) to inform the Cultural Heritage Section of any Environmental Impact Assessment report. Reference is made in the SEA to the North Quays being of high archaeological potential and indeed Section 5.8 (page 64) has transcribed some of our previous observations with regard to this and includes mention of the INFOMAR data for shipwrecks in the area. However, there is no mention of the National Monuments Service's own Wreck Inventory of Ireland Database (WIID) record for wrecks from the River Suir area of Waterford City, which would have perhaps informed more fully on the potential of the area immediate to the North Quays. The

UAIA should include field assessment, with site inspection of the brown field site, the quays and intertidal areas to inform on the immediate observational assessment of the area to be included in any EIS. Ideally, an underwater archaeological dive survey to archaeologically assess sub-tidal areas to be impacted would also be included in an UAIA but such surveys can await specific design plans if required at this stage. It is advised, however, that such a survey be undertaken as soon as possible (to address all potential impacts, including from any bridge crossing) and results from these should be considered, as should the overall results of the UAIA, to inform any finalised design plan for the development of the North Quays.

Chief Executives Responses

As part of the proposals to progress the sustainable transport bridge an archaeological impact assessment including underwater archaeological surveys has been undertaken. The preliminary findings from the desktop study and UAIA will be included as part of the SEA Environmental Report in order to address comments above. There is no requirement to provide an Environmental Impact Assessment Report (EIAR) for the Planning Scheme; however an EIAR is currently being prepared for the Sustainable Transport Bridge.

Chief Executives Recommendations

Insert an Objective into Section 3b .5 of the Planning Scheme.

To protect, preserve and /or record the archaeological value of terrestrial and underwater archaeology where feasible.

Determination for SEA and AA: No significant interaction and no significant change in the findings determined in the SEA and AA.

National Transport Authority (NTA) Submission No 26

1. The National Transport Authority (NTA) welcomes the opportunity to comment on the draft planning scheme. The NTA supports the provision of a sustainable transport bridge over the River Suir that would provide for public transport, walking and cycling and views this as an opportunity to significantly improve connectivity and accessibility by walking, cycling and public transport between Waterford City Centre to the south of the river and the SDZ lands adjoining Ferrybank area to the north of the river.
2. It provides the opportunity for improved cross city public transport services, connecting the City Centre and SDZ area with the wider Waterford City area whilst also providing the basis for high quality walking and cycling connecting infrastructure.
3. The NTA supports the proposed relocation of the train station from its present location and for the creation of a new multimodal transport hub. It is requested that WCCC work with the NTA with regard to the detailed function and design of the train station/transport hub. The NTA also considers that, consideration should be given, as part of the design of the transport hub, to the associated potential integration with a mix of complementary land uses.

4. It is the view of the NTA that it would be appropriate to include an objective relating to the proposed transport hub. The following wording is suggested: “The siting, design, orientation and accessibility to the proposed transport hub should be informed by the objective of delivering seamless interchange between sustainable transport modes, connectivity and integration with complementary landuses, in the context of high quality public realm.
5. The NTA recommends the inclusion of the following objective in the Planning Scheme “A Area – Based Travel Plan should be implemented in conjunction with the development of the SDZ lands”.
6. It is the view of the NTA that the application of “minimum” car parking standards to development within the SDZ lands is at variance in principle with the sustainable development objectives underpinning the rationale for the Draft Planning Scheme. The NTA recommend that maximum car parking standards should be devised and included as part of the draft planning scheme for the SDZ land and objective PSI 17 should be amended to reflect this.
7. The NTA recommend that the following objective is included in relation to cycling parking “to specify cycle parking standards as a minimum in accordance with the standards set out in the National Cycle Manual Cycle parking should be located in locations which are secure and easily accessible”.
8. In relation to cycling the following objective is recommended for inclusion “All cycling measures shall be consistent with the provisions of the National Cycle Manual”.
9. The Draft Planning Scheme would benefit from the inclusion of an objective relating to public transport, which puts specific provision for bus movement into and through the SDZ. The following wording is suggested: “To provide for improved bus service provision and bus network connectivity serving the SDZ lands, connecting it with Waterford City Centre and the wider Waterford City/Environs area, including the adjacent Ferrybank Local Area Plan area.
10. The NTA supports the mix of land uses proposed for the SDZ lands and the need to ensure a range of activities are provided for in the area. The NTA have the following specific comments to make in relation to the land uses proposed.
11. Residential The NTA supports the draft Planning Scheme’s provision of residential development in what is a central location.
12. Light Industrial: The NTA recommends that in regard to any commercial uses not specified under Government Order SI30 of 2016, that more specific direction is provided for in the Draft Planning Scheme, precluding the development of low intensity commercial uses on this centrally located site.
13. The NTA recommends that consideration is given to the removal of the Draft Planning Schemes provision for “light industry “ or alternatively such provision is qualified in the planning scheme by the preclusion of low intensity commercial uses within the SDZ lands.
14. The NTA supports objectives in relation to permeability and recommends that reference is made in the Planning Scheme to the NTA’s “Permeability Best Practice Guide”.

15. The NTA recommends that the following Objective is included in the Draft Planning Scheme “Proposed layouts must demonstrate high standards of permeability prioritising walking and cycling routes that are direct, safe and secure in accordance with the National Transport Authority’s ‘Permeability Best Practice Guide. Major barriers to pedestrian /cycle movement must be avoided. Layouts shall be designed to ensure that defensible space is defined by buildings which in turn must provide passive supervision of the public realm.”

Chief Executives Responses

1. WCCC welcomes the submission and comments from the NTA. The support from the NTA is acknowledged and WCCC looks forward to continuing to work with the NTA to deliver the SDZ.
2. Noted.
3. WCCC looks forward to working with the NTA in the delivery of the Transport Hub.
4. Noted. An objective will be inserted into the Planning Scheme reflecting comments regarding the Transport Hub.
5. Noted. An objective will be inserted into the Planning Scheme reflecting comments regarding Travel Plans.
6. WCCC agree with the NTA in relation to car parking standards- The scheme refers to minimum standards as similarly presented in the Waterford City Plan. In terms of car parking provision it is intended that any development of the site will be encouraged to limit the parking provision below those provided for in the development standards by use of incentivised sustainable transport modes.
7. Noted. An objective will be inserted into the Planning Scheme reflecting comments regarding cycle parking standards.
8. Noted. An objective will be inserted into the Planning Scheme reflecting comments regarding the National Cycle Manual.
9. Noted. An objective will be inserted into the Planning Scheme reflecting comments regarding public transport.
10. The NTA’s support of the mix of landuses is noted.
11. Noted.
12. Low intensity commercial uses shall not be permitted on this site- Section 4.4 of the scheme outlines Minimum floor areas and an overall minimum quantum of development. Any of the uses not specified in Table 1 are considered supporting uses and it is not considered necessary to detail the extent of same.
13. Light Industry is provided for in the scheme so as not to exclude a micro brewery or similar attraction.
14. Noted.

15. Noted. An objective will be inserted into the Planning Scheme reflecting comments regarding the Permeability Best Practice Guide.

Chief Executives Recommendations

1. Insert the following objective into Section 3a.6 Transport Hub

The siting, design, orientation and accessibility of the proposed transport hub should be informed by the objective of delivering seamless interchange between sustainable transport modes, connectivity and integration with complementary landuses, in the context of high quality public realm”.

2. Insert the following objective into Section 3a.8 -Future Proofing of Transportation Needs

An Area Based Travel Plan should be implemented in conjunction with the development of the SDZ lands.

3. Insert the following in section 3a.8 :- Future Proofing of Transportation Needs

Cycle parking should be located in locations which are secure and easily accessible and all cycling measures shall be consistent with the provisions of the National Cycle Manual

4. Insert the following in section 3a.8:- Future Proofing of Transportation Needs

To provide for improved bus service provision and bus network connectivity serving the SDZ lands, connecting it with Waterford City Centre and the wider Waterford City/Environs area.

5. The following Objective is to be included in Section 3a.8 :- Future Proofing of Transportation Needs

Proposed layouts must demonstrate high standards of permeability prioritising walking and cycling routes that are direct, safe and secure, in accordance with the National Transport Authority’s “Permeability Best Practice Guide”. Major barriers to pedestrian /cycle movement must be avoided. Layouts should be designed to ensure that defensible space is defined by buildings which in turn must provide passive supervision of the public realm.

Implications for SEA/ AA: The changes proposed contribute to the provision of sustainable transport infrastructure. These changes would not result in significant environmental effects arising from the planning scheme already determined in the SEA and AA.

Determination for SEA and AA: No Change.

10 Summary of Submissions received, Chief Executive’s Response and Recommendations