



# Chief Executive's Report

Chief Executive's report on the Part VIII Planning Process for a proposed development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co. Waterford.

Protected Structure, RPS no. 506.

September 2021

WATERFORD CITY AND COUNTY COUNCIL

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Revision No.	Prepared by	Checked	Approved	Date
Final	MC	PF	MQ	06/09/2021

## 1. INTRODUCTION

This Chief Executive's Report forms part of the statutory process as required by Part XI of the Planning and Development Act 2000 (as amended) and Part VIII of the Planning and Development Regulations 2001 (as amended).

The Chief Executive's Report summarises and details the outcomes of the public consultation on the Part VIII Planning Procedure relating to the proposed development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co. Waterford and comprises the following:

- A description of the nature and extent of the proposed development including a plan of the proposed development and map of the area to which it relates (Section 1 and Appendix A).
- An evaluation of whether or not the proposed development is consistent with the proper planning and sustainable development of the area (Section 1.3).
- The screening determination on why an Environmental Impact Assessment (EIA) is not required (Section 1.4).
- A list of the persons or bodies that made submissions or observations (Table 2.1).
- A summary of the issues raised and the response of the Chief Executive (Table 2.2) and;
- A recommendation as to whether or not the proposed development should proceed as proposed, or as varied or modified as recommended in the report or should not proceed, as the case may be (Section 3).

### 1.1 Description of the Proposed Works - Consultation

Notice of the Part VIII planning procedure for the proposed development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co. Waterford, was advertised in two local newspapers details below and placed on public display until August 13<sup>th</sup> 2021 at the Civic Offices, Dungarvan.

- Munster Express, Tuesday, 13<sup>th</sup> July 2021
- Dungarvan Leader, Friday, 16<sup>th</sup> July 2021

Plans and particulars of the proposed development were available to view on the Waterford City & County Council website at [www.waterfordcouncil.ie](http://waterfordcouncil.ie) from 16th July.  
<http://waterfordcouncil.ie/projects/public-consultations/index.htm>.

Submissions or observations could be made with respect to the development on or before 4.00pm on 27<sup>th</sup> August 2021, either in writing or via email submission to [cappoquinmooreshotel@waterfordcouncil.ie](mailto:cappoquinmooreshotel@waterfordcouncil.ie).

Notice was also given to prescribed bodies in accordance with Article 81 of Part 8 of the Planning and Development Regulations 2001 (as amended).

## 1.2 Summary of the Proposed Development

The nature and extent of the proposed works, as described in the public and site notice is as follows:

Development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co Waterford, a protected structure, RPS no. 506 will include;

- Use of the ground floor & basement level as office / professional services,
- Use of the ground floor entrance & first & second floors as a separate 3 bed dwelling unit,
- Provision of external stairs to the side at ground floor & basement level,
- Provision of external bin area to the side at ground floor,
- External modifications to the existing structure including the alteration & formation of opes / doors to the side and rear on all levels,
- Internal modifications on all levels including; provision of staircase at ground floor & basement level, alteration of internal walls at basement, ground & first floor, minor modifications to internal layout, provision of wc & shower room at basement level, provision of a bathroom & kitchen at first floor,
- Provision of a roof terrace to the rear at first floor as private open space,
- General refurbishment of the existing structure including repair of facades, replacement of windows and the roof,
- Associated conservation works, site works and ancillary works.

This application also includes an Appropriate Assessment screening report and an Environmental Impact Assessment screening report.

**Appendix A** of this Report includes a plan of the proposed development and appropriate map of the area.

**Appendix B** contains a zoning Map of the area from the Waterford County Development Plan 2011-2017 as amended.

**Appendix C** Submissions Received.

### 1.3 Planning Policy

With reference to **Waterford County Development Plan, 2011-2017** (as amended and extended following the merger of Waterford City and County Councils in 2014).

The site is zoned as "Town Centre and Streetscape of Distinctive Character". The proposed development adheres to and/or satisfies the criteria set out in the following sections;

#### Development Plan;

##### Vision Statement

**Goal 1.** *Support and facilitate the development of sustainable vibrant communities and the provision of necessary supporting services and amenities.*

**Goal 7.** *Create an inclusive society by encouraging a partnership approach between statutory bodies, community groups and all other relevant stakeholders.*

#### County Settlement Strategy

##### 4.3 County Development Strategy

Opening statement *"The Settlement Strategy for the County has always been to encourage the growth of the County's towns and villages, whilst catering for genuine housing needs in the rural countryside"* Identified as a key issue, *"smaller towns and villages to be strengthened"*.

##### 4.4.3 District Service Centre

Cappoquin is designated as a District Service Centre. *"The District Service Centres are so designated, because they are important resources for their hinterlands, providing community and infrastructural facilities and services and the population base to maintain them."*

##### 4.5. Sustainable Community Settlement

Opening statement *"The County Settlement Strategy is aimed at ensuring that towns and villages offer attractive and affordable housing options to meet the housing needs of urban and rural communities. Sensitively scaled and phased residential developments, with an appropriate housing-mix, will be encouraged in settlements to create sustainable communities and to help deliver the critical mass of population needed for the provision and support of educational, community and social services, improved amenities and sustainable employment opportunities."*

##### Policy SS1

*"To ensure that development takes place in an orderly, rational and sustainable manner avoiding environmental degradation and in accordance with the recommendations of the DoEHLG publications; the Sustainable Rural Housing Guidelines (2005), the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and any subsequent Guidelines issued by the DoEHLG."*

##### Policy SS2

*"To give priority to the development in settlements with adequate wastewater and water supply infrastructure and those settlements targeted for infrastructural investment within the plan period."*

##### 4.8 Rural Housing Policy

*"The Council is committed to the maintenance and growth of strong rural communities living in rural villages and in the open countryside and to facilitating and supporting this through its rural investment programmes, policies and objectives"*

## Housing

### 5.1 Housing Policy

Two of the main elements of housing policy are;

1. *“Ensure proper planning and sustainable development of the County, in terms of the location and quality of housing including housing type and mix, to secure the development of sustainable communities.”*
6. *“Promote sustainable energy efficient building construction and maintenance.”*

### Policy H1

*“To promote the development of sustainable communities by requiring all new residential development to comply with the principles set out in the DoEHLG publication, Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustainable Communities, 2007.”*

### 5.2 Sustainable Communities

*“Sustainable Communities are places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and secure, well planned, constructed and maintained, inclusive and accessible to all.”*

### 5.7 Building Re-use and Brownfield Site Development

*“The house vacancy rate in the County, according to the last census (2006) was 20%, whilst in fifteen Electoral Divisions more than a quarter of the housing stock was vacant. This is the result of the conversion of existing habitable dwellings to second and holiday homes and the construction of new holiday homes or houses built for investment purposes and left empty. The Council will encourage the re-use of vacant dwellings for use as permanent homes. Where appropriate, and subject to resources, the Council will acquire derelict or vacant land within towns and villages for the purposes of providing new dwellings.*

*The Council will also will encourage the utilisation and redevelopment of obsolete and vacant sites by developers in preference to green-field development.”*

### 5.8 Sustainable Building Design

*“In line with Council’s Climate Change Strategy, the Council will encourage Sustainable Energy considerations in the construction and maintenance of housing.”*

## Economic Development

### 6.2 Sustainable Economic Development

#### Policy ECD 6

*“Develop sustainable communities as attractive places to live and work.”*

### 1.3.1 Assessment & Evaluation

The proposed development is zoned as “Town Centre and Streetscape of Distinctive Character’ in the Waterford County Development Plan, 2011 – 2017 as amended (refer to drawing included in Appendix B) where the objective DO1 is to *“to strengthen the village core by promoting the redevelopment of underused village centre sites such as the derelict house on Mill Street.”* This current proposal seeks to bring a two vacant/derelict properties on Main Street back into use. This evaluation has found that this development supports and is consistent with the zoning and planning objectives for the area as set out in the relevant sections of the development plan as outlined above.

Thus having regard to the report, details submitted and submissions received it is recommended that it proceeds as outlined.

### 1.4 Environmental Impact Assessment Screening Determination

Waterford City and County Council has carried out an Environmental Impact Assessment (EIA) Screening Report in accordance with requirements of Section 120(1B)(b)(i) of the Planning and Development Regulations 2001-2021 and has determined that there is no real likelihood of significant effects on the environment. Accordingly, it has determined that an EIA is not required in respect of this proposed development. EIA screening highlighted the key environmental receptors to be affected are architectural heritage and local ecology. An Architectural Heritage Impact Assessment has been carried out and concludes the development proposal will sustain and regenerate the use of the protected structure and regionally important buildings. A bat survey will be carried out on the building to check suitability as a bat roost. The findings of the bat survey report will inform a Construction Environmental Management Plan for the development. The EIA report and recommendation of the screening were made available with the Part VIII planning application for the duration of the consultation period.

### 1.5 Habitats Directive Appropriate Assessment Screening

Waterford City and County Council has carried out an Appropriate Assessment Screening on the proposed development and following an examination, evaluation and analysis concluded no potential for significant effects on the conservation objectives for the qualifying habitat and species interests of the River Blackwater SAC.

Accordingly, it has determined that a NIS is not required in respect of the proposed development. The AA Screening report and recommendation of the screening were made available with the Part VIII planning application for the duration of the consultation period.

## 2. SUBMISSIONS RECEIVED

Two submissions were received within the statutory timeframe from prescribed bodies and none from the public/stakeholders. The person/organization and/or prescribed bodies who made the submissions are detailed in Table 2-1 below.

**Table 2-1 Submissions received within the statutory timeframe**

Submission no.	Name	Address
<b>Prescribed Bodies</b>		
None received		

Submission no.	Name	Address
<b>Public Submissions</b>		
1	J. Byrne, Chair of An Cláíomh Glas.(ACG) J. Byrne & A Uí Bhroin, in a personal capacity	(via email) c/o 17 Finnsparck, Finnstown Cloisters, Lucan, Co. Dublin.
2	Dr. Gary Gill	(via email) 8 Huntly Crescent, Southways, Abbeyside, Dungarvan, Co. Waterford.

A summary of the issues raised, and the Chief Executive's response and any recommendation is provided in **Table 2.2**



**Table 2.2 Summary of Public Submissions, the Chief Executive's Response, and Recommendations**

Submission No. / Ref	Name	Summary of Submission	Chief Executive Response & Recommendation
1	A.C.G. J. Byrne A Uí Bhroin	<ul style="list-style-type: none"> <li>• Serious misgivings in respect of the manner in which this proposal is being advanced and serious deficits in the approach and information provided.</li> <li>• Concerns around public participation and timing.</li> <li>• Configuration of the proposal and implications for lawful assessments under in particular national and EU law.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal has followed the statutory process as required by Part XI of the Planning and Development Act 2000 (as amended) and Part VIII of the Planning and Development Regulations 2001 (as amended).</li> <li>• The proposal is compliant with the statutory requirements (as set out above) around public consultation. In addition and in compliance with all Government restrictions the Project Team have had numerous meetings in Cappoquin with individuals, traders and stakeholder groups. The team facilitated a number of requested public consultations over two designated days; 07<sup>th</sup> July 2021- four public consultation meetings were held. 15<sup>th</sup> July 2021- three public consultation meetings were held. The proposal details are also available on the Council's website. With regard to timing the proposal is compliant with the statutory process as set out above.</li> <li>• The proposal is a standalone project. The proposal seeks to re-purpose a currently vacant building utilising the existing built fabric and town infrastructure. The proposed development has undergone Appropriate Assessment Screening under the Habitats Directive (92/43/EEC), the Planning and Development Act 2000, as amended, and the European Communities (Bird and Natural Habitats) Regulations 2011-2015. Waterford City &amp; County Council has determined that an Appropriate Assessment is not required. The proposed development, individually or in combination with other plans or projects, will not have a significant effect on a European Site.</li> </ul>

Submission No. / Ref	Name	Summary of Submission	Chief Executive Response & Recommendation
1	A.C.G. J. Byrne A Uí Bhroin	<ul style="list-style-type: none"> <li>EIA and Appropriate Assessment Considerations and Article 4 WFD, other waste and water directives.</li> </ul>	<p>In addition, the proposal has also undergone screening for Environmental Impact Assessment under the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU, (and the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended) and Waterford City &amp; County Council has determined that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.</p> <ul style="list-style-type: none"> <li>The proposal is a standalone project. The proposal seeks to repurpose a currently vacant building utilising the existing built fabric and town infrastructure. The Council are considering a number of similar standalone projects which seek to rehabilitate a small number of vacant buildings back to their former use with no additional impact on the towns infrastructure.</li> </ul> <p>The proposed development has undergone Appropriate Assessment Screening under the Habitats Directive (92/43/EEC), the Planning and Development Act 2000, as amended, and the European Communities (Bird and Natural Habitats) Regulations 2011-2015. Waterford City &amp; County Council has determined that an Appropriate Assessment is not required. The proposed development, individually or in combination with other plans or projects, will not have a significant effect on a European Site.</p>

Submission No. / Ref	Name	Summary of Submission	Chief Executive Response & Recommendation
1	A.C.G. J. Byrne A Uí Bhroin	<ul style="list-style-type: none"> <li>Assessment of Bats and impacts to bats and swifts.</li> </ul>	<p>In addition, the proposal has also undergone screening for Environmental Impact Assessment under the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU, (and the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended) and Waterford City &amp; County Council has determined that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.</p> <ul style="list-style-type: none"> <li>A 2019 Swift Survey recorded 7 swift nest sites around the building and design and construction of the building will require the installation of swift nesting bricks or boxes to mitigate for this loss. However, it should be noted that the former Moore's Hotel was subdivided a number of decades ago, although research suggests it may originally had been divided and all of the nest sites observed are within the western half of the building, The current proposal deals only with the eastern half of the original building. WCCC Heritage Officer will advise on appropriate action at detail design and construction stage to ensure no disturbance or loss of habitat to this red list bird species.</li> </ul> <p>A bat survey has been commissioned and commenced. This will be completed with recommendations on the building prior to commencement of works. WCCC Heritage Officer will advise on appropriate action at detail design and construction stage.</p>

		<ul style="list-style-type: none"> <li>Architectural issues.</li> </ul>	<ul style="list-style-type: none"> <li>The former Moore's Hotel is listed on WCCC Register of Protected Structures ref. RPS no. 506.                      The Project Team is led by a qualified Conservation Architect who has prepared a <i>Planning &amp; Conservation Impact Report</i> which has informed the proposal. The proposed works consist of essential works to prevent the further deterioration of the building along with some adaptive works to adapt the building for re-use. The "adaptive" works are well thought out interventions to make the existing building an attractive option for re-use. The interventions are focused to the rear, an area which has been previously altered over time and is in extremely poor condition. These works are considered, sensitive, expressly modern and of strong architectural merit.</li> </ul>
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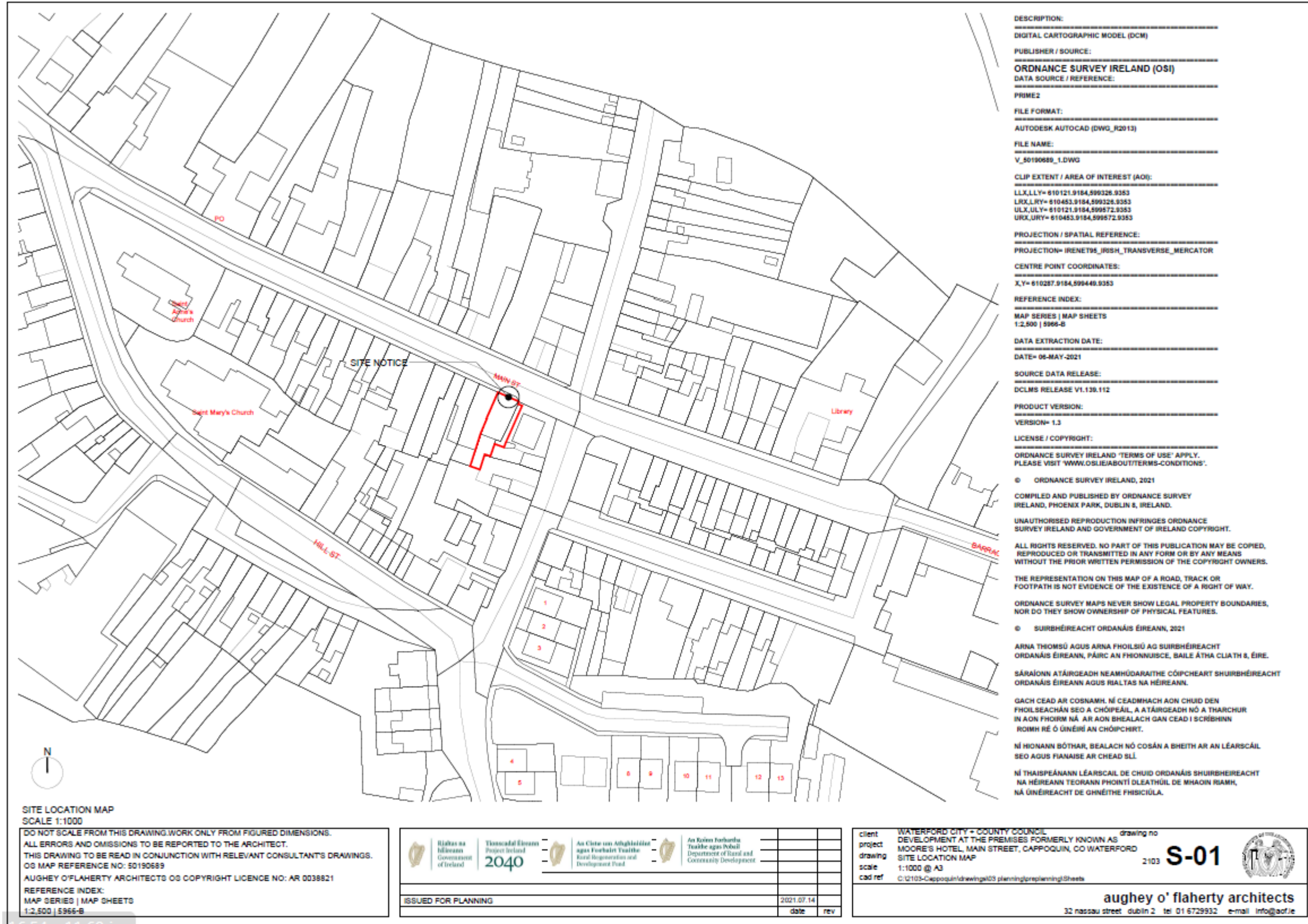
Submission No. / Ref	Name	Summary of Submission	Chief Executive Response & Recommendation
2	Dr Gary Gill	<ul style="list-style-type: none"> <li>• Concerns around the protection of Swifts</li>   <li>• Concerns around the protection of Bats</li>   <li>• Request for an independent EIAR is carried out</li> </ul>	<ul style="list-style-type: none"> <li>• A 2019 Swift Survey recorded 7 swift nest sites around the former Moore's Hotel building, design and construction of the building works will require the installation of swift nesting bricks or boxes to mitigate for this loss. However, it should be noted that the former Moore's Hotel was subdivided a number of decades ago, although research suggests it may originally had been separate buildings and all of the nest sites observed are within the western half of the building, The current proposal deals only with the eastern half of the original building. WCCC's Heritage Officer will advise on appropriate action at detail design and construction stage to ensure no disturbance or loss of habitat to this red list bird species.</li>   <li>• An independent bat survey has been commissioned and commenced. This will be completed with recommendations for the building prior to commencement of works on site. WCCC's Heritage Officer will advise on appropriate action at detail design and construction stage.</li> </ul> <p>The proposal has also undergone screening for Environmental Impact Assessment under the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU, (and the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended) and Waterford City &amp; County Council has determined that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.</p>

### **3. RECOMMENDATION**

The proposed development will support and complies with the policies and objectives of the current County Development Plan 2011-2017 (as amended) and complies with ministerial guidelines, government policies and with the Regional Planning Guidelines. It is considered therefore that the development is in accordance with the proper planning and sustainable development of the area. Thus, having regard to the report, details and observations submitted, it is recommended that development proceed as outlined.

Michael Quinn,  
Director of Services,  
Economic Development & Planning,  
Waterford City & County Council.

## **APPENDIX A - PROPOSED DEVELOPMENT AND MAP OF AREA**



DESCRIPTION:  
DIGITAL CARTOGRAPHIC MODEL (DCM)

PUBLISHER / SOURCE:  
**ORDNANCE SURVEY IRELAND (OSI)**

DATA SOURCE / REFERENCE:  
PRIME2

FILE FORMAT:  
AUTODESK AUTOCAD (DWG\_R2013)

FILE NAME:  
V\_50190689\_1.DWG

CLIP EXTENT / AREA OF INTEREST (AOI):  
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LRX,LRX= 610453.9184,599328.9353  
ULX,ULY= 610121.9184,599572.9353  
URX,URY= 610453.9184,599572.9353

PROJECTION / SPATIAL REFERENCE:  
PROJECTION= IRENET95\_IRISH\_TRANSVERSE\_MERCATOR

CENTRE POINT COORDINATES:  
X,Y= 610287.9184,599448.9353

REFERENCE INDEX:  
MAP SERIES | MAP SHEETS  
1:2,500 | S966-B

DATA EXTRACTION DATE:  
DATE= 06-MAY-2021

SOURCE DATA RELEASE:  
DCLMS RELEASE V1.138.112

PRODUCT VERSION:  
VERSION= 1.3

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ARNA THOMÚ AGUS ARNA FHOILSIÚ AG SUIRBHÉIREACHT ORDANÁIS ÉIREANN, PÁIRC AN FHOINNUSCE, BAILE ÁTHA CLIATH 8, ÉIRE.  
SÁRAÍONN A TÁIRGEADH NEAMHÚDARAITHE CÓIPCHEART SHUIRBHÉIREACHT ORDANÁIS ÉIREANN AGUS RIALTAS NA HÉIREANN.  
GACH CEAD AR COSNAMH, NÉ CEADMHACH AGN CHUID DEN FHOILSEACHÁN SEO A CHÓIPÉAL, A TÁIRGEADH NÓ A THARCHUR IN AON FHOIRM NÁ AR AON ÉIREALACH GAN CEAD I SCRIBHINN ROMH RÉ Ó ÚNÉIRÍ AN CHÓIPCHIRT.  
NÍ HIONANN BÓTHAR, BEALACH NÓ COSÁN A BHEITH AR AN LéARSCÁIL SEO AGUS FIANAISE AR CHEAD SLL  
NÍ THAISPEÁNANN LéARSCAIL DE CHUID ORDANÁIS SHUIRBHÉIREACHT NA HÉIREANN TEORANN PHOINTÍ DLEATHÓIL DE MHAOIN IBAMH, NÁ ÚNÉIREACHT DE GHNÉITHE FHSICÍOLA.

SITE LOCATION MAP  
SCALE 1:1000

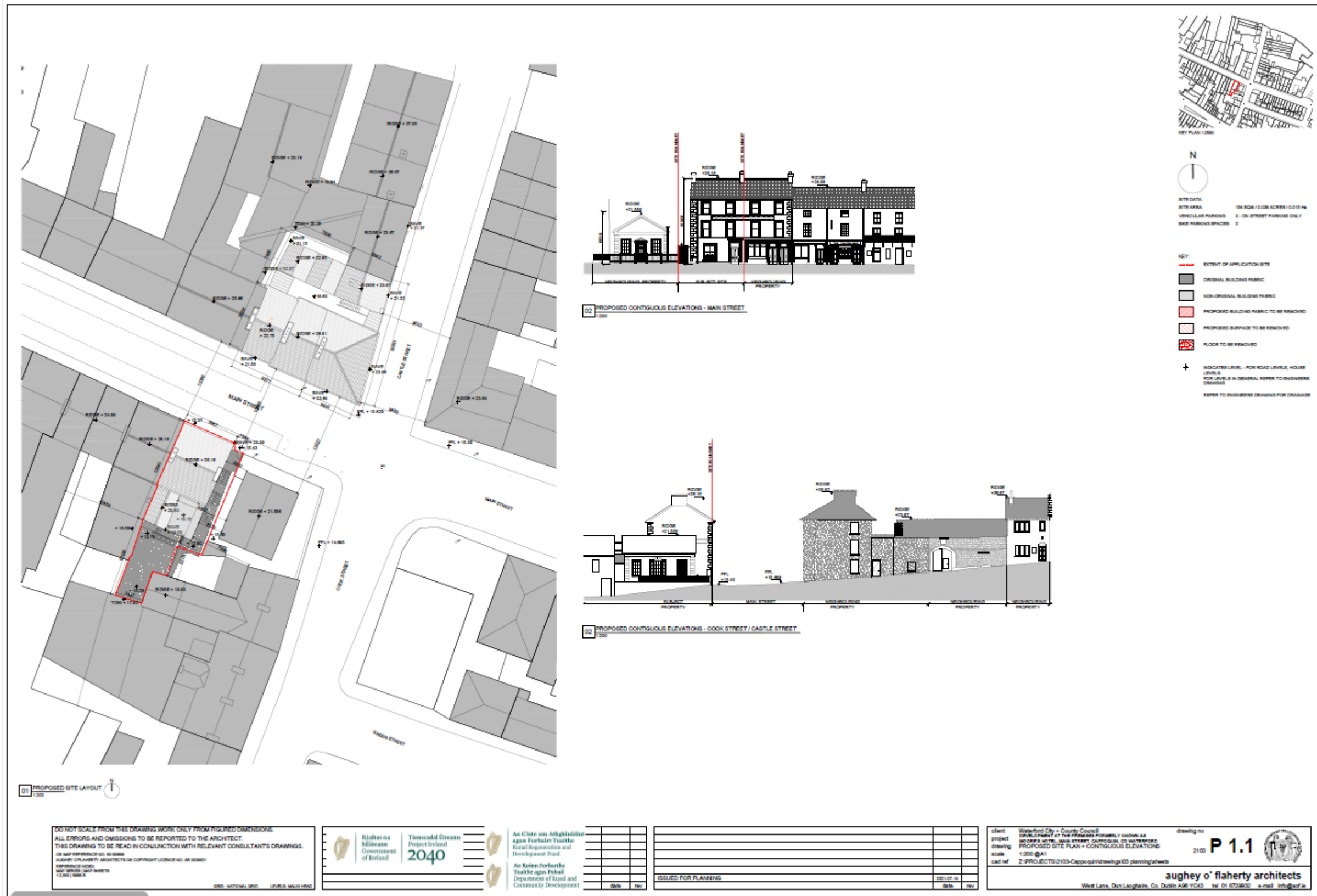
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ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
OS MAP REFERENCE NO: 50190689  
AUGHEY O'FLAHERTY ARCHITECTS OS COPYRIGHT LICENCE NO: AR 0038821

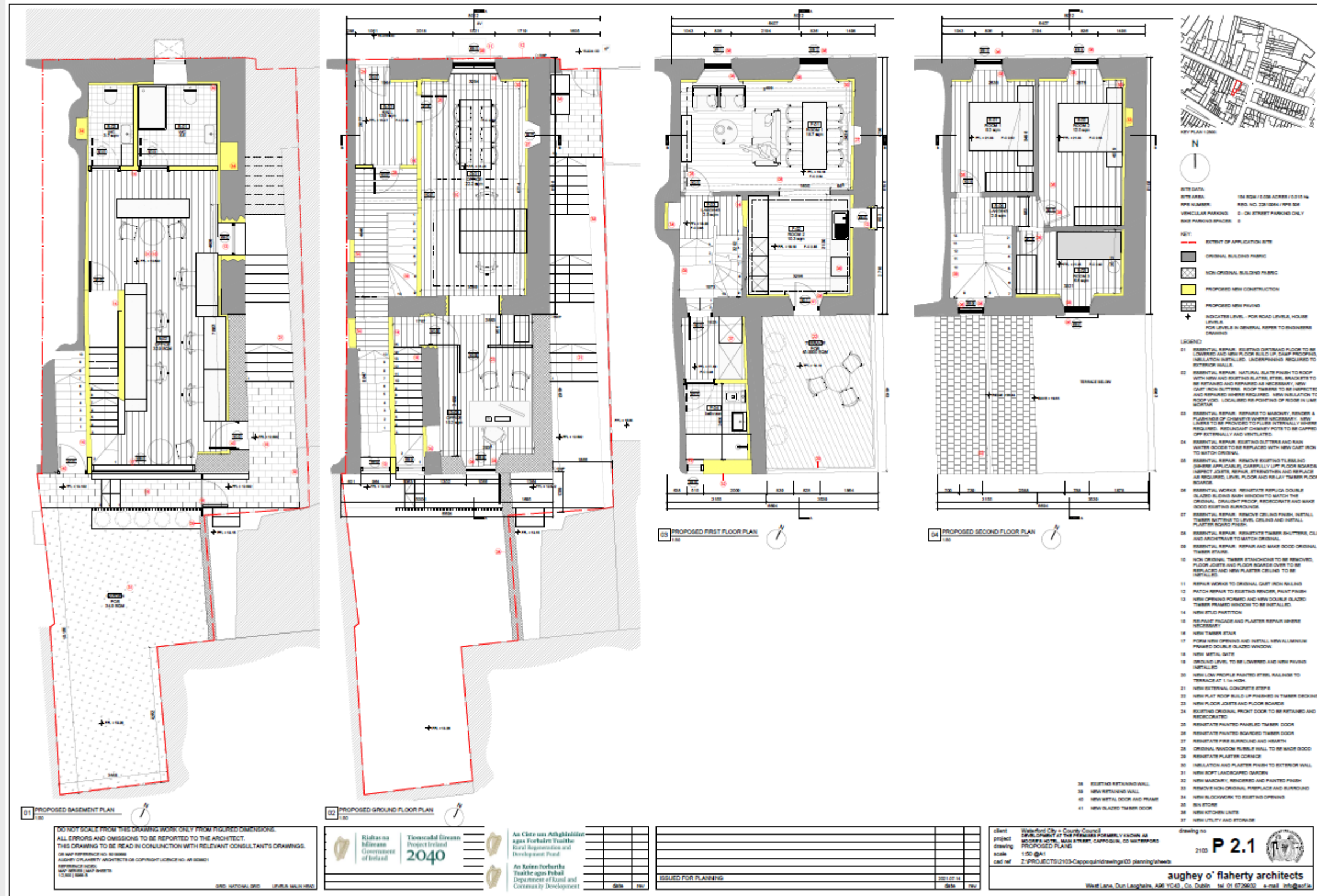
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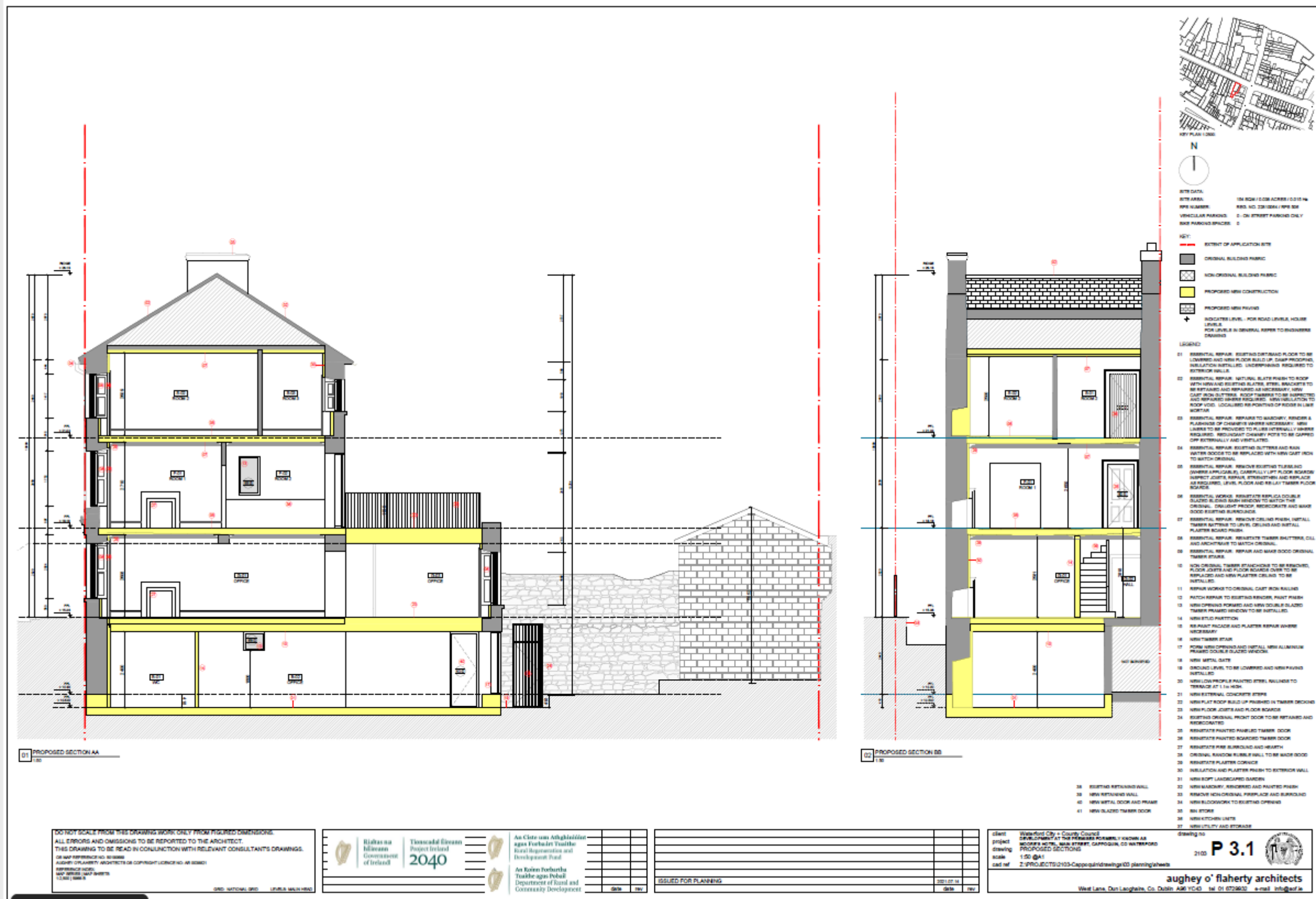
ISSUED FOR PLANNING				2021.07.14	
				date	rev

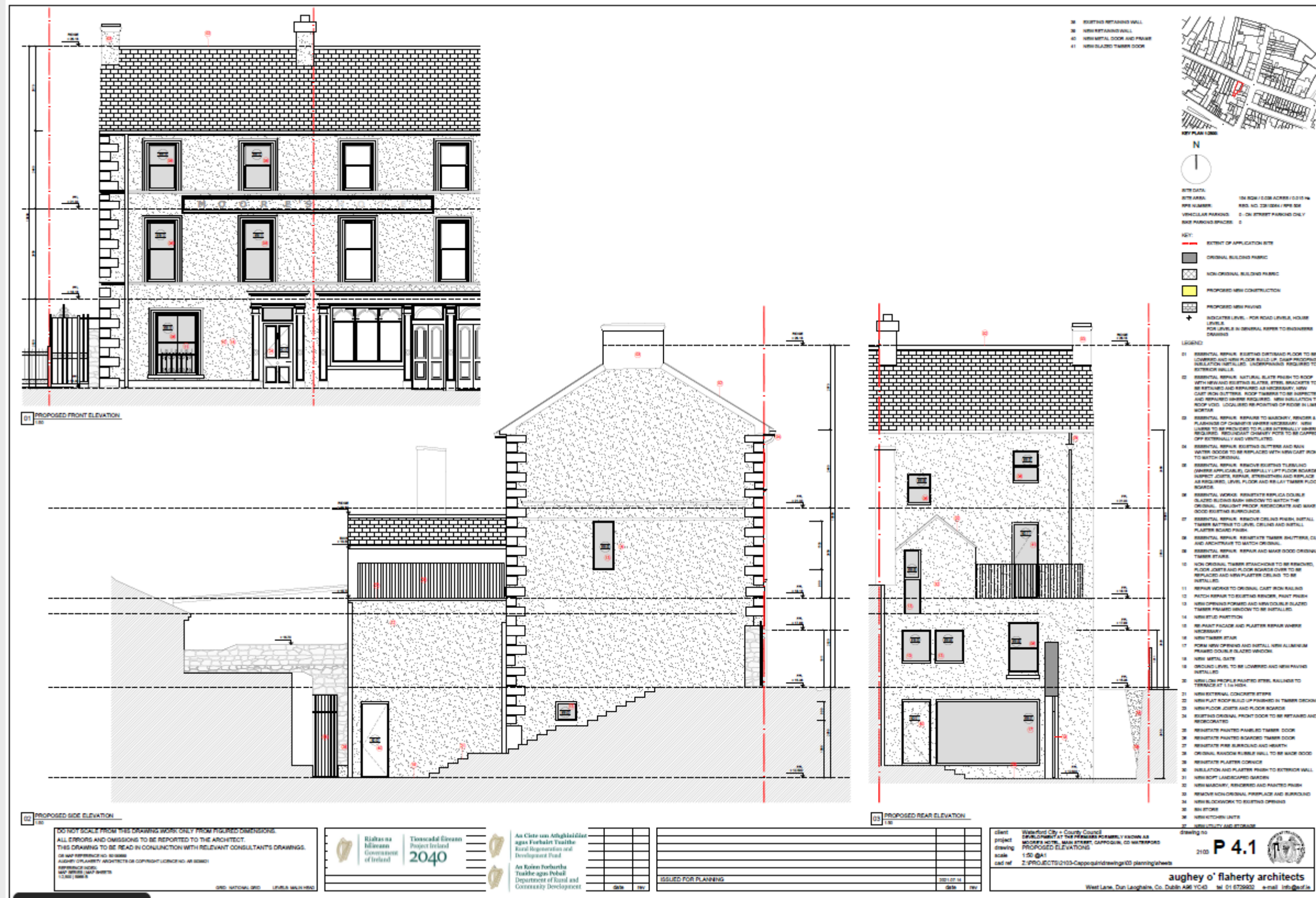
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project	DEVELOPMENT AT THE PREMISES FORMERLY KNOWN AS MOORE'S HOTEL, MAIN STREET, CAPPOQUIN, CO WATERFORD	2103	<b>S-01</b>
drawing	SITE LOCATION MAP		
scale	1:1000 @ A3		
cad ref	C:\2103-Cappoquin\drawing\03_planning\preplanning\Sheets		
<b>aughey o'flaherty architects</b> 32 nassau street dublin 2 tel 01 6729932 e-mail info@aof.ie			









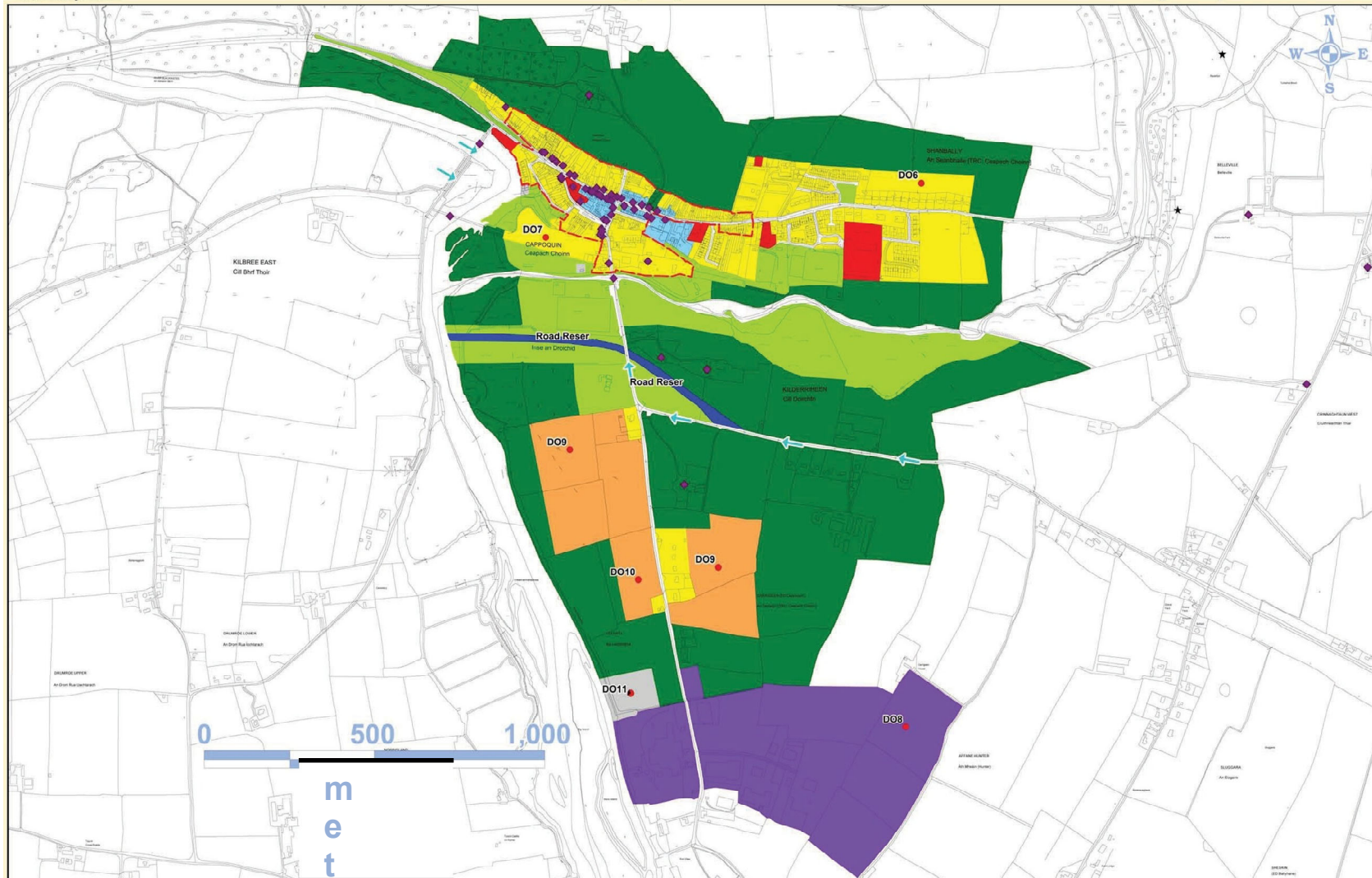


## **APPENDIX B – SITE ZONING MAP FROM DEVELOPMENT PLAN**

Cappoquin  
February 2011

# Cappoquin

Waterford County Council  
County Development Plan 2011-2017



**CAPPOQUIN****Context**

Cappoquin is one of the larger settlements in West Waterford and is identified in the County Development Plan as a District Service Centre.

**Historic Character**

Cappoquin is located on the bend of the River Blackwater. The Main Street comprises predominately of two- and three-storey terraced houses mainly dating from the early 19<sup>th</sup> Century with classical proportions. There are some excellent examples of 19<sup>th</sup> Century shop fronts on the Main Street. Landmark buildings include an early 19<sup>th</sup> Century Catholic Church and Church of Ireland Church. Cappoquin House and Richmond House form prominent buildings within the townscape. Each approach to the town is complemented by mature trees and rubblestone walls bounding the road. The fine cut limestone Avonmore Bridge and the old Railway Bridge add to the setting of the Town

**Infrastructure**

**Water supply:** Cappoquin has a public water supply with limited spare capacity. An upgrade would be required to accommodate additional developments. It is anticipated that the water supply will be upgraded under the Water Services Investment Programme during the lifetime of the Plan.

**Wastewater:** The existing municipal wastewater treatment system is at capacity. However, Cappoquin is to be provided with a new sewerage scheme under the Waterford Grouped Towns and Villages Scheme. It is anticipated that the new plant will be constructed and commissioned within the Plan period.

**Development Objectives**

- DO<sub>1</sub> It is an objective of the Council to strengthen the village core by promoting the redevelopment of underused village centre sites such as the derelict house on Mill Street.
- DO<sub>2</sub> It is an objective of the Council to protect and promote the amenity and pedestrian access to the river Blackwater and enhance existing public walkways and riverside routes subject to compliance with Articles 6 and 10 of the Habitats Directive and ensuring no negative impact on the integrity on the River Blackwater SAC.
- DO<sub>3</sub> The flood plain of the River Blackwater shall be preserved free from development.
- DO<sub>4</sub> It is an objective of the Council to provide cycle-paths, footpath improvements and public lighting as the opportunity arises.
- DO<sub>5</sub> Development proposals shall ensure that new development is set back to allow for the provision of new paving/footpath, public lighting and cycle-paths.
- DO<sub>6</sub> The developer shall be required to have regard to the topography of the site and proposed developments shall have an appropriate/sympathetic approach to design which utilises the existing contours.
- DO<sub>7</sub> The Council shall facilitate the development of medium density housing of high quality design. The view of the development from the River Blackwater should enhance the visual setting of the site.
- DO<sub>8</sub> It is an objective of the Council to facilitate and encourage the development of new industrial/employment units of a scale appropriate to the village on this site.
- DO<sub>9</sub> This land shall be reserved for future sustainable residential development and shall not be developed within the Plan period.
- DO<sub>10</sub> It is an objective of the Council to retain and enhance the existing stone walls and trees on the approach roads into the town.
- DO<sub>11</sub> It is an objective of the Council to facilitate the development of the wastewater treatment plant which is to be provided under the Waterford Grouped Towns and Villages Scheme.

- DO<sub>12</sub> It is an objective of the Council to protect the vistas and settings of protected structures and the streetscape by the retention of vernacular houses such as those on Barrack Street, Main Street, the Green and Mill Street. Other features worthy of protection include rubblestone walls, free-standing water pumps and post boxes as identified on the NIAH survey.
- DO<sub>13</sub> It is an objective of the Council to retain original building features of vernacular structures such as lime mortar render, natural slate, shopfronts, timber sash windows. Where appropriate, the Council shall encourage the reinstatement of historically correct traditional features such as sliding sash windows and shopfronts, etc.
- DO<sub>14</sub> Any development which is proposed in a Streetscape of Distinctive Character shall have regard to the planning guidance set out in Section 10.46 of the Development Standards Chapter.

**MAP LEGEND**Zoning and Principle Objectives

-  R1 – Protect amenity of existing residential development and provide new residential development – medium density
-  R3 – Reserved for future sustainable residential development 2017- 2023
-  Town Centre
-  Open Space and Amenity
-  Green Belt
-  Institutional, Educational & Community Development
-  Light Industry
-  Tourism
-  Utility
-  Development Objectives
-  Streetscape of Distinctive Character
-  Protected Structure
-  Scenic view
-  Scenic Route

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## **APPENDIX C – Submissions Received**



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**Development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co. Waterford, a protected structure, RPS no. 506.**

Submissions received;

1.

**From:** The Byrnes [mailto:thebyrnes@gmail.com]

**Sent:** 27 August 2021 15:57

**To:** cappelquin moores hotel

**Subject:** Sub on Part 8 Proposed Development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin Co Waterford

Dear Sir Madame

Please see attached submission from An Cláíomh Glas and Justin Byrne and Attracta Uí Bhroin on the **Proposed Development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin Co Waterford**

Please acknowledge receipt

Rgds

J Byrne.

Please see Appendix Attached

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An Cláíomh Glas,  
Justin Byrne and  
Attracta Uí Bhroin  
c/o 17 Finnsparck,  
Finnstown Cloisters,  
Lucan  
Co Dublin

Director of Services,  
Economic Development & Planning Dept.  
Waterford City & County Council,  
35 The Mall, Waterford

By email only: [cappoquinmoorehotel@waterfordcouncil.ie](mailto:cappoquinmoorehotel@waterfordcouncil.ie)

**Re. Submission and observations on Proposed Part 8 Development at premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co Waterford, a protected structure**

Proposed Development at the premises formerly known as Moore's Hotel, Main Street,  
Cappoquin Co Waterford

Dear Sir/Madame,

The Irish eNGO, An Cláíomh Glas, ACG, and the under-signed also acting in a personal capacity, wish to make the following submission and observations in respect of the above proposed Part 8 development by Waterford County Council.

To be clear at the outset, in principal, we would welcome the sensitive and appropriate use and re-use of old buildings, and the stimulation of mixed residential and commercial uses, in building which have fallen out of use, particularly in a town or village setting with a view to urban regeneration, housing provision, to limit urban sprawl and to support sustainable development and development patterns.

However, we have serious misgivings in respect of the manner in which this proposal is being advanced and serious deficits in the approach and information provided as set out below.

We consider that the proposal cannot be advanced in its current manner of presentation and needs to be reconstituted with the deficits in information and surveying requirements addressed.

Any decision arising on the matter and if this is advanced in the manner and format proposed by the Council in the context will be unsafe, and likely expose the Council to challenge including by way of Judicial Review. Clearly this will raise wider issues of accountability and questions on the diligence evidenced at a local level and the circumspection of the Council in responding to the concerns and issues raised, and how it acted to ensure highly avoidable costs through errors in its approach were properly addressed.

It will also serve to impact on the positive outcomes intended from this project, which could be realised if the project proposals is configured appropriately, and the deficits in information and assessments addressed.

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Therefore, it would be preferable, for a number of economic, political and indeed environmental perspectives - for both the built and natural environment for the approach to be re-thought and properly constituted in light of the issues raised below.

### **Public Participation**

We consider it entirely inappropriate that the Council has initiated this process over the summer holiday period. The consultation period, including access for inspection of the documents was from 16th July 2021 to 13th August 2021 inclusive (excluding bank and public holidays). This included the height of the traditional holiday period, and August bank holiday weekend. To be clear this objection is raised notwithstanding online access to the documents.

In fact this is rendered all the more egregious as there are at least 4 Part 8 project proposals from the Local Authority, LA just for Cappoquin, all with a deadline for submission input today. This is quite a burden for the public, who would need to consider together for the reasons set out below, including in respect of the consequential impacts and deficits in the information provided.

Such timing is clearly not conducive to effective public participation, and we need hardly refer to either the guidance or cases determined by the Aarhus Convention Compliance Committee, ACCC in relation to same. But the LA's attention is drawn to In the ACCC's findings on communication ACCC/C/2008/24 (Spain). The Compliance Committee held: "a period of 20 days for the public to prepare and participate effectively cannot be considered reasonable, in particular if such period includes days of general celebration in the country".

These are important legal considerations in respect of what constitutes "reasonable" timeframes for the purposes of public participation and the impact to the requirement to facilitate "effective" participation – both are legally required characteristics or requirements under Article 6 of the Aarhus Convention. Ireland is of course a party in its own right to the Convention, and these requirements extending to all projects governed by Article 6(1) of the Convention. The LA will be aware it is acting as the emanation of the State in this matter, with consequential duties. The LA is also reminded that these Aarhus requirements underpin the participatory approach required in respect of decision making which arises under a number of EU Directives for this development. Some of these Directives are particularly highlighted later below, and where other additional serious concerns arise in respect of the Council's engagement with its obligations under such Directives here.

This timing of the consultation is also particularly inexcusable given that the Council's plans have been long in the making. For example with a CPO already advanced by the Local Authority on the Moore's Hotel Property, was signed<sup>1</sup> by An Bord Pleanála as far back as June 2019 – over 2 years ago now.

The timing of the consultation, is also particularly an issue when this is a Local Authority Own Development, and public funds and interest are at stake here, and public oversight is thus so important. However, the public's ability to engage with their communities, and also public

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<sup>1</sup> <https://www.pleanala.ie/en-ie/case/304481>

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representatives, have been consequently impacted by the timing selected by the LA to advance this consultation.

Additionally, problematic is that if this matter advances as proposed by the Local Authority, there will be no appeal to An Bord Pleanála, and the only recourse the public and those concerned about this development will be via Judicial Review to the High Court.

When the timing issues are taken together with the fact this proposal seems to be part of a wider urban regeneration / housing scheme plan/programme or project, further issues will invariably arise with the problematic engagement facilitated by the Council here. In short it is clear there will be wider consequential impacts than have been addressed in each of the single part 8 proposals presented at this time for Cappoquin ( see Annex 1), and as presented by the Council. Such impacts and consideration including on, but not limited to, traffic, water, waste, and other infrastructural requirements which need to be collectively considered and assessed, but which are nowhere considered or presented in an appropriate manner. It is also unclear what further associated proposals the Council has made, or is making, or has potentially failed to address. These all need to be assessed through the entire lifecycle – including during construction and the operational and any decommissioning phase. The public’s participation in a programme/project of this scale is essential and a significant legal procedural requirement if the correctly considered configuration of the scheme triggers Strategic Environmental Assessment under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive), and /or Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, (The Environmental Impact Assessment Directive, or EIA Directive). There are legal standards for the participatory dimension in these matters, and additionally in respect of the considerations arising under Article 4 of the Water Framework Directive, which as submitted later needs to be considered here, and also considerations highlighted in respect of both the Birds Directive and the Habitats Directive.

The timeframes are therefore additionally not “reasonable” nor or they conducive to “effective” public participation given the deficits in the approach here and the wider complexity of matters which fall to be considered. The Council cannot argue or rely on the timescales in the planning act – when it has contributed to the problems for the public in responding to this unclear and seemingly incorrectly constituted project. Moreover – the obligations of a public authority to disapply national rules in breach of EU law and to act to ensure the proper application of EU law was clarified by the CJEU in c-378/17.

We would also highlight that the timing desirable from the point of view of engendering trust and public support for the initiative – as would be the appropriate focus for a local authority in the pursuit of an LA own development and given the public monies involved in its activities and in this project.

We also consider that issues around the legal adequacy of the notification will arise consequent on the above, in terms of both the timing and the manner in which this has been presented, including inadequate consideration and presentation of EU law requirements. We will be relying on i.a. the

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judgment of the EU Court of Justice, CJEU, in case c-280/18<sup>2</sup> in respect of the standards for public notification, participation and indeed consequential implications for Access to Justice and in particular how the public's argumentation has been compromised. We ourselves only learned of these proposals in the last days.

**Configuration of the proposal and implications for lawful assessments under in particular national and EU law.**

This particular proposal as flagged above, appears given the number of similar initiatives being individually proposed here – see Appendix 1 - to in fact be part of a wider plan/programme or project – for urban regeneration and/or housing. Yet it is not being presented or treated as such, with each individual element presented as a separate Part 8 proposal. They are therefore not being properly considered as such in terms of screening for i.a. EIA or SEA or in terms of Appropriate Assessment, AA under Article 6(3) of the Habitats Directive or Article 4 of the Water Framework Directive, WFD in terms of the assessments and determination<sup>3</sup> or of Waste Directives.

It is unclear, a serious legal issue in itself, whether that overall scheme/plan/project, needs to be considered at the local level of Cappoquin, and/or at what further level across the County, and/or at regional or national level – and the adequacy of the assessment and participatory approaches in the context.

**EIA and Appropriate Assessment Considerations and Article 4 WFD, other waste and water directives.**

It is submitted that screening determination is seriously inadequate, including for the reasons set out below. This is particularly problematic, as the Council will be aware that if EIA and/or AA are concluded to be requirement here, then LA cannot determine the matter, and it falls to be determined by An Bord Pleanala, as is set out in the Planning and Development Act, 2000, PDA. We submit the Council's presentation of this project to the public should have made the jurisdictional implications of the screening for EIA and AA clear. It has failed to do so.

In the first instance we assert that there appears to be project splitting at issue here, where the full project is not presented for screening determination for EIA. There seems to be a number of similar projects which need to be considered together. We also submit that there are serious deficits in the presentation of inevitable consequential and ancillary development which will arise consequent on each individual Part 8 proposal, both individually and collectively here – for example in respect of traffic and road impacts, potential infrastructural refurbishments and/or upgrades or provision including socio-economic infrastructure which are not specified. In fact if this is urban regeneration – for it to be a success – then such outcomes are clearly envisaged by the Council – yet they are not at all specified nor is it indicated on what basis their specification has been justifiably excluded.

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<sup>2</sup> Judgment of the Court (First Chamber) of 7 November 2019, *Alain Flausch and Others v Ypourgos Perivallontos kai Energeias and Others*, EU:C:2019:928

<sup>3</sup> This is in terms of the assessments and determinations required under Art 4 as clarified by the Court of Justice in case c-461/13,

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The fundamental purpose and objective of the EIA Directive in Article 2(1), is thus frustrated here at the outset, which is that “before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment”

We wish to flag the significant implications of failing to properly apply the obligations of the EIA Directive at the outset here with reference to CJEU judgments in cases c-215/06 and c-261/18, which deal with failure to apply the EIA Directive to projects, and the complex issues of remedy and the restriction to any regularisation to exceptional circumstances. In the context of the issues being flagged here – the Council will not be able to rely on “exceptional circumstances” in any future attempt to regularise the unlawful development arising.

Pursuant to Article 4 of the EIA Directive, as amended, by 2014/52/EU the information required to be submitted by an applicant to support screening is set out in Annex IIA. The Council do not appear to have conformed to this requirement as set out in Article 4(4) of the EIA Directive as amended, (codified 2011/92/EU as amended by 2014/52/EU), nor have they clearly provided this information with the application. Nor has the Annex IIA information set been used it to support the screening determination required under Article 4 of the Directive and in conjunction with the screening criteria set out in Annex III of the Directive. We would highlight that the last line of Annex IIA states “The criteria of Annex III shall be taken into account, where relevant, when compiling the information in accordance with points 1 to 3.” – the level of information provided needs to be clearly set out and commensurate with the level of analysis and standard of determination required.

While we note an attempt to adhere to a screening determination based around the Annex III criteria, in the context of the project splitting we assert is in play here – the screening determination is defective, particularly in respect of impacts on water, waste, air quality, risk of accidents, ( inadequate consideration of traffic).

Impacts where they are considered are simply dismissed. The consideration of cumulative and in combination effects legally required to be determined is inadequate. It is not sufficient just to assume that something which is considered to be a drop in the ocean of existing pollution – not to be an issue and be dismissed on the basis of negligible further contribution, as appears to be the approach here. The overall impact consequential impact would never fall to be considered in that context and this is entirely contrary to the EIA Directive and the objectives of water and waste directives. The need for exactitude and specificity in respect of individual project contributions is additionally clear from requirements of Article 4(4) with reference to Annex II . 3(a) of the Annex refers to “the expected residues and emissions and the production of waste” – further the last line of the Annex indicates how the preparation of the information required under Annex IIA is intended to be informed by the criteria in Annex III stating “The criteria of Annex III shall be taken into account, where relevant, when compiling the information in accordance with points 1 to 3.” Further on this point and the extent of consideration which is clearly intended to be applied taking the specific properly in concert with the wider context and the interaction and assessments of contributory impact, is the need to consider the outcomes of assessments of other union reports in the screening determination. Specifically in this regard are the requirements of the Article 4(4) on screening which provides i.a.: ( emphasis added)

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“4. Where Member States decide to require a determination for projects listed in Annex II, the developer shall provide information on the characteristics of the project and its likely significant effects on the environment. The detailed list of information to be provided is specified in Annex IIA. **The developer shall take into account, where relevant, the available results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation other than this Directive. ...**”

The Council has failed to consider and/or adequately reflect the requirements of screening in respect of the above Article 4(4) –and the assessments and reports referred to therein. This is of particular concern in respect of water and waste waste – which are clearly significant issues in an Irish context with significant issues extant in respect of urban waste water issues in particular, and mounting failures and impacts arising in respect of water quality obligations under the WFD.

When one considers the level of consideration which is properly required under Annex III, part 3 on “Type and characteristics of the potential impact” and which includes the quite significant and entirely inadequately addressed requirements of the following

“The potential likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 of this Annex, and having with regard in particular to the **impact of the project on the factors specified in Article 3(1),** “

This aspect of the screening is particularly deficient and in particular don’t reflect adequately the factors and interactions specified in Article 3(1). Even if one considers the impacts on bats referred to below, or the issues with swift highlighted later below – these are inadequately considered and simply dismissed. Further the implications for cultural heritage particularly in respect of the treatment of Moore;s Hotel and the architectural conservation status of the area are not adequately considered in the screening and application. This is particularly so in respect of deficits in the information provided and which matters on design and finish which fall to be determined at a later date, and which fall to be asserted that they will be done to high conservation standard. It is important to reflect here – the Council will be determining the standard, and the purse for the delivery of that standard. In the context of the built heritage significance – we submit it is entirely inappropriate to screen negatively for EIA and this mater should go to An Bord Pleanála for determination.

There is also insufficient information and determination evidenced in the screening determination on key environmental matters such as the impacts on bats which are a species subject to the second pillar of the EU Habitats Directive, and the strict protection of species set out in Articles 12-16, for species listed in Annex IVa of the Directive, of includes all Irish bat species. No definitive survey has been done as is clear from the reports submitted with the application, and the EIA screening response.

We submit that similarly, the approach to splitting the project which appears to be at issue here compromises the adequacy of the AA screening determination here, as does the approach to dismiss as inconsequential the small but further contribution to existing issues which are not adequately set out, and therefore not adequately considered in respect of water impacts. Our concerns are particularly in respect of impacts on water, and consequential impacts on species and habitats for the sites designated and the conservation objectives for those sites where likely significant effects

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cannot be ruled out, and where a full AA is required. It certainly does not meet the standard of scientific certainty for AA screening determinations which is set out by the CJEU in c-127/02<sup>4</sup>, and most helpfully by the Hon Ms. Justice Finlay Geoghan in *Kelly v An Bord Pleanála* (Neutral Citation: [2014] IEHC 400).

The requirements of the CJEU in c-461/13 in respect of the implicit assessment requirement for individual projects under Article 4 are also inadequately addressed here consequent on the project splitting and the approach to dismiss small but nonetheless further impacts adequately or at all and to set out the relevant information and assessment necessary to conclude whether there is an issue or not.

### **Assessment of Bats and impacts to bats and swifts.**

#### **Bats**

It is clear no bat survey has been done. In short the Council cannot proceed to determine this matter lawfully in the context. We rely on i.a. judgement of the CJEU in case c-183/05 and c-221/04 and c-103/00.

Bats are a species listed in Annex IVa of the Habitats Directive. They are subject therefore to strict protection under Art 12-16. This protection extends to each individual occurrence of the species, together with their breeding and resting places, including where unoccupied if they may be expected to return to it.

The Court of Justice in case c-183/05<sup>5</sup> has clarified that decisions which impact on such species or their breeding or resting places are not matters which can be left over as something to be assessed and determined post-consent.

There is the potential on a very strictly limited basis for derogations to be sought, and possibly granted. But these have to be in place in advance of a consent being granted and of course public participation and notification is required on such derogations, under i.a. the Aarhus Convention, Article 6(1)(b).

No bat survey has been done – and even the screening refers to an unacceptably uncertain position in respect of the presence of bats.

We also submit any survey should have been available for comment as part of this process. A survey at the appropriate time of year and by competent consultants needs to be executed and included in any re-presentation of this proposed development for consultation.

The implications of Article 12 are further considered below and why proceeding in the absence of an adequate survey would amount to a breach of the protections in Article 12 and constitute a “deliberate” act – given the legal interpretation afforded to it by the CJEU as set out below – which clarifies – the outcome to kill or damage or cause the deterioration prohibited need not be intentional.

“Article 12

1. Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

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<sup>4</sup> *Case C-127/02* [2004] E.C.R. I-7405

<sup>5</sup> Judgement of the Court of Justice of 11 Jan 2005, c-183/05, *Commission v Ireland*



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- (a) all forms of **deliberate capture or killing of specimens** of these species in the wild;
  - (b) **deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;**
  - (c) deliberate destruction or taking of eggs from the wild;
  - (d) **deterioration or destruction of breeding sites or resting places.”**

In considering what is legally meant by “deliberate” in the above” - it is critically important to note how the court of justice interprets it and the Council’s failure to clarify the presence of bats. In the context of the nature and state of the building and indeed its use by swifts – it is highly likely it is used by bats we submit.

The Court of Justice in case C-221/04<sup>6</sup>, clarified that for an act to be considered to be deliberate in the context of Art 12 – it does **not** have to be intentional. The perpetrator can simply act, accepting the potential consequences may result – and effectively decide to ignore them. Para 71 of the judgment in c-221/04 refers.

The EU Commission in it’s guidance has helpfully drawing on cases c-221/04 and c-103/00<sup>7</sup> made this abundantly clear for authorities such as Waterford County Council, that they would be acting in breach of the Habitats Directive

““Deliberate” actions are to be understood as actions by a person who knows, in light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of his action.

The Council has failed to determine the presence of bats in advance of consultation and in advance seeking permission. We submit proceeding in the absence of a survey means that any negative consequences will be “deliberate” acts. We also submit that the survey and any derogations required – if indeed it is possible to secure one – at all – needs to be in place in advance of consent.

#### **Swifts:**

We have serious concerns in respect of the impact of the proposed development on swifts and the soundness of the basis for the mitigation proposed.

The inadequacy of the approach needs to be considered in the context of the legal obligations pertaining. We refer directly to the Birds Directive obligations below, given the inadequacies of its transposition in SI 477/2011 as amended and in the Wildlife Acts.

In respect of swifts, and the duties falling on the Council to ensure in how it proceeds with this proposal and the protection of swifts – we wish to highlight the following considerations and consequential obligations of the Council as the emanation of the State as decision maker, and the obligations it needs to be cognisant of if the proposal is advanced to An Bord Pleanala subsequently.

All naturally occurring wild bird species are subject to protection under Article 1 of the Birds Directive.

<sup>6</sup> Judgment of the Court of 18 May 2006, Commission v Spain, Case C-221/04,

<sup>7</sup> judgment of 30 January 2002, Commission v Greece, Case C-103/00,

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The obligations in respect of regularly occurring migratory birds under Article 4(2) and associated obligations under Article 4(4). Which provide:

2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

We would question how adequately Ireland has addressed the designation requirement for swifts under Article 4(2) and highlight the context this then raises for the LA here – as it cannot as the emanation of the state simply ignore this or the associated requirement in the first sentence of Art 4(4) below.

Article 4(4) provides

“4. In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats”

We also flag the very important obligations under the second sentence of Article 4 – which pertain outside designated areas.

We also flag the obligations under Article 5 and the derogation requirement in Art 9.

We have no confidence that the approach proposed in this application is consistent with observing these requirements.

In particular we flag the clarifications of the EU Court of Justice in c-473/19 on the protections required for birds and the gravity with which those obligations are to be addressed.

It is therefore of serious concern there is a seemingly less than best practice approach proposed to accommodate the swift colony in Moores Hotel.

It is not simply adequate to assume the erection of swift nest boxes will suffice. If that is ultimately legally permissible and the necessary derogation threshold secured – then it will be necessary to ensure that they are of appropriate fabric, appropriately situated and damage to the birds limited in any works, and that experts in swifts are engaged to specify the works in advance and supervise them. Ideally the works should not interfere with the existing nests sites and use of the site by the birds. It is entirely unclear if the erection of the external nest boxes proposed would even be consistent with the architectural considerations pertaining – given this is an architectural conservation area. There are better alternatives and need to seriously consider a very different approach to ensuring the impacts on swifts from this proposal are revisited significantly and specified

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properly before any further determination on this proposal is advanced.

**Architectural issues:**

**In the context of the issues above – we flag the significance here of the building on the national inventory:**

<https://www.buildingsofireland.ie/buildings-search/building/22810064/moores-main-street-cappoquin-cappoquin-county-waterford>

**Conclusion:**

We thank the Council for its considerations of our remarks. We request an acknowledgement of this submission to both [info@acg.ie](mailto:info@acg.ie) and [thebyrnes@gmail.com](mailto:thebyrnes@gmail.com)

Yours sincerely

J Byrne – Chair of An Cláíomh Glas and J. Byrne and A Uí Bhroin in a personal capacity

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App 1.

Some of the Part 8 projects detailed at the below URL – all of which appear to be part of the same plan/programme or project for Cappoquin.

<https://waterfordcouncil.ie/projects/public-consultations/index.htm>

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**Proposed development at the premises formerly known as Fennell's Pub & Uniacke's Shop, Main Street, Cappoquin, Co. Waterford**

**CONSULTATION TYPE:** SUBMISSIONS / OBSERVATIONS ACCEPTED

**CONSULTATION END DATE:** 27th August, 2021

In accordance with Article 81 of Part 8 of the Planning and Development Regulations 2001 (as amended), notice is hereby given that Waterford City and County Council proposes to carry out the following development:- **Development at the premises formerly known as Fennell's Pub & Uniacke's Shop, Main Street, Cappoquin, Co. Waterford, protected structures, RPS no.s 494 and 497 respectively.**

At the premises formerly known as Fennell's Pub, the development will consist of:

- use of the ground floor front unit as a shop,
- use of the ground floor rear unit & first & second floors as a separate 3 bed dwelling unit,
- provision of external stairs and external covered bin & bike area to the rear at ground floor,
- provision of a courtyard at first floor as private open space,
- extension of to the rear & side at first floor,
- external modifications to the existing structure including the alteration & formation of opes / doors to the side and rear on all levels,
- internal modifications including; removal of staircase at ground floor, alteration of internal walls at ground, first & second floor, modifications to internal layout, replacing existing bathroom fittings, and the provision of kitchen,
- general refurbishment of the existing structure including repair of facades, replacement of the windows and roof, associated conservation works, site works and ancillary works.

At the premises formerly known as Uniacke's, the development will consist of:

- use of the ground floor as café restaurant / delicatessen,
- use of the first & second floors as a separate 3 bed dwelling unit,
- extension to the rear of the ground floor to include wc's, store and kitchen,
- provision of external covered bin & bike area at ground floor,
- extension to the rear of the first floor to include bedroom & bathroom,
- provision of a courtyard at first floor as private open space,
- external modifications to the existing structure including widened opes/doors & new opes/doors to the rear at ground and first floor,
- internal modifications to the existing structure including; removal of the non-original concrete floor slab & structure to ground level, removal of staircase at ground level, removal of internal walls at first floor, replacement of partitions, modifications to internal layout, replacing existing bathroom fittings, and relocation of kitchen,
- general refurbishment of the existing structure including repair of facades, replacement of the windows and roof, associated conservation works, site works and ancillary works.

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The proposed development has undergone Appropriate Assessment Screening under the Habitats Directive (92/43/EEC), the Planning and Development Act 2000, as amended, and the European Communities (Bird and Natural Habitats) Regulations 2011-2015. Waterford City & County Council has determined that an Appropriate Assessment is not required. The proposed development, individually or in combination with other plans or projects, will not have a significant effect on a European Site.

In addition, the proposal has also undergone screening for Environmental Impact Assessment under the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU, (and the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended) and Waterford City & County Council has determined that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.

Plans and particulars of the proposed development will be available for inspection or purchase at a reasonable fee not exceeding the reasonable cost of making a copy, at the following locations during public opening hours Monday to Friday for the period **16th July 2021 to 13th August 2021** inclusive (excluding bank and public holidays) :-

- Waterford City & County Council, Civic Offices, Davitts Quay, Dungarvan, Co. Waterford X35 Y326

Please note due to current Covid 19 related restrictions our public offices are open **by appointment only** to members of the public who wish to inspect a current planning application but who cannot examine it on our website due to lack of internet access. If you wish to request an appointment to inspect this application please telephone the Customer Service Desk, Waterford City and County Council 0761-102020 from 9:30 to 1:00 or 2:30 – 4:00pm

A copy of the plans and particulars of the proposed development may also be viewed below.

Submissions or observations with respect to the proposed development may be addressed to the Director of Services, Economic Development & Planning Dept. Waterford City & County Council, 35 The Mall, Waterford, or by emailing [cappoquinfennellsuniack@waterfordcouncil.ie](mailto:cappoquinfennellsuniack@waterfordcouncil.ie) to arrive no later than 4.00pm **27th August 2021**.

Submissions should be clearly marked:

Development at the premises formerly known as Fennell's Pub & Uniacke's Shop, Main Street, Cappoquin, Co. Waterford.

It should be noted that the Freedom of Information Act applies to all records held by Waterford City and County Council.

#### Maps & Drawings

- [Newspaper advert](#)
- [Cover Letter](#)
- [Issue Sheet](#)
- [002 2103\\_S 0.1-SITE LOCATION MAP](#)
- [003 2103\\_S 1.1-EXISTING SITE LAYOUT](#)

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- 004 2103\_S 2.1-EXISTING PLANS
  - 005 2103\_S 2.2-EXISTING PLANS
  - 006 2103\_S 3.1-EXISTING SECTIONS
  - 007 2103\_S 4.1-EXISTING ELEVATIONS
  - 2103\_P 1.1-PROPOSED SITE PLAN
  - PROPOSED PLANS
  - PROPOSED PLANS
  - PROPOSED SECTIONS
  - PROPOSED ELEVATIONS
  - PHOTO INVENTORY UNI
  - PHOTO INVENTORY UNI
  - PHOTO INVENTORY FEN
  - PHOTO INVENTORY FEN
  - Planning Drawings
  - Drawing Control Sheet
  - Public Notice
  - Conservation Report
  - EIA Screening
  - AA Habitat Screening Report

## 6

### **Town Centre Public Realm Works at The Square, Main Street, CookStreet, Port na hAbhann & Twig Bog, Cappoquin, Co. Waterford.**

**CONSULTATION TYPE:** SUBMISSIONS / OBSERVATIONS ACCEPTED

**CONSULTATION END DATE:** 27th August, 2021

In accordance with Article 81 of Part 8 of the Planning and Development Regulations 2001 (as amended), notice is hereby given that Waterford City and County Council proposes to carry out the following development: **Town Centre Public Realm Works atThe Square, Main Street, Cook Street, Port na hAbhann & Twig Bog, Cappoquin, Co. Waterford.**

The proposed development will consist of the following:

Public Realm Improvements including new pavements, new pedestrian crossings, widening of pavements, upgraded public lighting, relocation of existing sculptures/statues, new street furniture, soft landscaping, amendments to parking provision and traffic calming measures.

Pursuant to the requirements of the above, Waterford City & County Council proposes to redevelop a public space at The Square; new landscaping and a 9no. space car park at Port na hAbhainn; new access road and landscaping at the Rowing Club; new landscape proposal (and 8no. space overspill parking) at Twig Bog Boat Slip. The development, which is the subject of this Part 8 public consultation, will involve alterations and refurbishment works to existing pavements & roads to accommodate universal access, pedestrians, and other roads users. It is proposed for The Square and other areas to be flexible spaces to cater for a market and other events. The proposed development will also include associated conservation, site and ancillary works.

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Cappoquinn Town Centre is designated to be an Architectural Conservation Area(ACA) in the Draft Waterford City and County Development Plan 2022-2028.

This application also includes an Appropriate Assessment screening report and an Environmental Impact Assessment screening report.

The proposed development has undergone Appropriate Assessment Screening under the Habitats Directive (92/43/EEC), the Planning and Development Act 2000, as amended, and the European Communities (Bird and Natural Habitats) Regulations 2011-2015. Waterford City & County Council has determined that an Appropriate Assessment is not required. The proposed development, individually or in combination with other plans or projects, will not have a significant effect on a European Site.

In addition, the proposal has also undergone screening for Environmental Impact Assessment under the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU, (and the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended) and Waterford City & County Council has determined that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.

Plans and particulars of the proposed development will be available for inspection or purchase at a reasonable fee not exceeding the reasonable cost of making a copy, at the following locations during public opening hours Monday to Friday for the period **16th July 2021 to 13th August 2021** inclusive (excluding bank and public holidays) :-

- Waterford City & County Council, Civic Offices, Davitts Quay, Dungarvan, Co. Waterford X35 Y326

Please note due to current Covid 19 related restrictions our public offices are open **by appointment only** to members of the public who wish to inspect a current planning application but who cannot examine it on our website due to lack of internet access. If you wish to request an appointment to inspect this application please telephone the Customer Service Desk, Waterford City and County Council 0761-102020 from 9:30 to 1:00 or 2:30 – 4:00pm

A copy of the plans and particulars of the proposed development may also be viewed below..

Submissions or observations with respect to the proposed development may be addressed to the Director of Services, Economic Development & Planning Dept. Waterford City & County Council, 35 The Mall, Waterford, or by emailing [cappoquinpublicrealm@waterfordcouncil.ie](mailto:cappoquinpublicrealm@waterfordcouncil.ie) to arrive no later than 4.00pm **27th August 2021**.

Submissions should be clearly marked:

‘Town Centre Public Realm Works at The Square, Main Street, **Cook Street, Port na hAbhann & Twig Bog, Cappoquin, Co. Waterford**’

It should be noted that the Freedom of Information Act applies to all records held by Waterford City and County Council.

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## Maps & Drawings

- Newspaper advert
- Issue Sheet
- Architectural Design Report
- Architectural Heritage Impact Assessment
- Appropriate Assessment Screening Report
- Environmental Impact Assessment Screening Report
- Flood Risk Assessment Letter
- Legend-PL001 A3
- Site Location Map
- Areas Plan-PL003
- Masterplan Strategy
- Topographic Survey-PL010
- Topographic Survey-PL011
- Topographic Survey-PL012
- Topographic Survey-PL013
- Topographic Survey-PL014
- Topographic Survey-PL015
- Existing Sections-PL020
- Existing Sections-PL021
- Existing Sections-PL022
- Existing Elevations-PL030
- Proposed Site Plan-PL110
- Proposed Site Plan-PL111
- Proposed Site Plan-PL112
- Proposed Site Plan-PL113
- Proposed Site Plan-PL114
- Proposed Site Plan-PL115
- Proposed Sections-PL120
- Proposed Sections-PL121
- Proposed Sections-PL122
- Proposed Elevations-PL130
- Site Notice

## 7

### **Proposed Part 8 Development at premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co Waterford, a protected structure**

**CONSULTATION TYPE:** SUBMISSIONS / OBSERVATIONS ACCEPTED

**CONSULTATION END DATE:** 27th August, 2021

In accordance with Article 81 of Part 8 of the Planning and Development Regulations 2001 (as amended), notice is hereby given that Waterford City and County Council proposes to carry out the following development:- **Development at the premises formerly known as Moore's Hotel, Main Street, Cappoquin, Co Waterford, a protected structure, RPS no. 506.**

The proposed development will consist of the following: -



- 
- use of the ground floor & basement level as office / professional services,
  - use of the ground floor entrance & first & second floors as a separate 3 bed dwelling unit,
  - provision of external stairs to the side at ground floor & basement level,
  - provision of external bin area to the side at ground floor,
  - external modifications to the existing structure including the alteration & formation of openings / doors to the side and rear on all levels,
  - internal modifications on all levels including; provision of staircase at ground floor & basement level, alteration of internal walls at basement, ground & first floor, minor modifications to internal layout, provision of wc & shower room at basement level, provision of a bathroom & kitchen at first floor,
  - provision of a roof terrace to the rear at first floor as private open space,
  - general refurbishment of the existing structure including repair of facades, replacement of windows and the roof,
  - associated conservation works, site works and ancillary works.

This application also includes an Appropriate Assessment screening report and an Environmental Impact Assessment screening report.

The proposed development has undergone Appropriate Assessment Screening under the Habitats Directive (92/43/EEC), the Planning and Development Act 2000, as amended, and the European Communities (Bird and Natural Habitats) Regulations 2011-2015. Waterford City & County Council has determined that an Appropriate Assessment is not required. The proposed development, individually or in combination with other plans or projects, will not have a significant effect on a European Site.

In addition, the proposal has also undergone screening for Environmental Impact Assessment under the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU, (and the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended) and Waterford City & County Council has determined that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.

Plans and particulars of the proposed development will be available for inspection or purchase at a reasonable fee not exceeding the reasonable cost of making a copy, at the following locations during public opening hours Monday to Friday for the period **16th July 2021 to 13th August 2021** inclusive (excluding bank and public holidays) :-

- Waterford City & County Council, Civic Offices, Davitts Quay, Dungarvan, Co. Waterford X35 Y326

Please note due to current Covid 19 related restrictions our public offices are open **by appointment only** to members of the public who wish to inspect a current planning application but who cannot examine it on our website due to lack of internet access. If you wish to request an appointment to inspect this application please telephone the Customer Service Desk, Waterford City and County Council 0761-102020 from 9:30 to 1:00 or 2:30 – 4:00pm

A copy of the plans and particulars of the proposed development may also be viewed below.

Submissions or observations with respect to the proposed development may be addressed to the Director of Services, Economic Development & Planning Dept. Waterford City & County Council, 35 The Mall, Waterford, or by emailing [cappoquinmoorehotel@waterfordcouncil.ie](mailto:cappoquinmoorehotel@waterfordcouncil.ie) to arrive no

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later than 4.00pm **27th August 2021.**

Submissions should be clearly marked:

‘Proposed Development at the premises formerly known as Moore’s Hotel, Main Street, Cappoquin Co Waterford.’

It should be noted that the Freedom of Information Act applies to all records held by Waterford City and County Council.

#### Maps & Drawings

- Newspaper advert
- Cover Letter
- Issue Sheet
- SITE LOCATION MAP
- EXISTING SITE PLAN + CONTIGUOUS ELEVATIONS
- EXISTING PLANS
- EXISTING SECTIONS
- EXISTING ELEVATIONS
- PROPOSED SITE PLAN + CONTIGUOUS ELEVATIONS
- PROPOSED PLANS
- PROPOSED SECTIONS
- PROPOSED ELEVATIONS
- PHOTO INVENTORY
- PHOTO INVENTORY
- Planning Drawings
- Drawing Control Sheet
- Public Notice
- Conservation Report
- EIA Screening
- AA Habitat Screening Report
- SWIFT NEST SITE REPORT
- Site Notice Location Map

## 8

**Proposed Part 8 Development of a Housing Pilot Scheme at No’s 6,7 &8 Main Street and connected mews properties on The Green, Cappoquin, Co Waterford.**

**CONSULTATION TYPE:** SUBMISSIONS / OBSERVATIONS ACCEPTED

**CONSULTATION END DATE:** 27th August, 2021

In accordance with Article 81 of Part 8 of the Planning and Development Regulations 2001 (as amended), notice is hereby given that Waterford City and County Council proposes to carry out the following development:- **Development of a Housing Pilot**

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Scheme at No's 6,7 & 8 Main Street and connected mews properties on The Green, Cappoquin, Co Waterford.

The proposed development will consist of the following: -

- The refurbishment and reconstruction of three number, three storey, three bedroom terraced town houses on Main Street ( No's 6,7 & 8 Main Street) as dwelling units, with ancillary mews type accommodation on The Green.
- Demolition and reconstruction of five premises on The Green.
- The use of the ground, first and second floors on Main Street as dwelling units.
- The use of the ground floor and first floor on The Green as ancillary accommodation, office or workshop space.
- External modifications to the existing structure including the alteration & formation of openings
- Internal modifications on all levels including; provision of new staircases, alteration of internal walls and floors at all levels.
- General refurbishment of the existing structure including repair of facades, replacement of windows, doors and roofs.
- Associated conservation, site and ancillary works.

Cappoquin Town Centre is designated to be an Architectural Conservation Area (ACA) in the Draft Waterford City and County Development Plan 2022-2028.

This application also includes an Appropriate Assessment screening report and an Environmental Impact Assessment screening report.

The proposed development has undergone Appropriate Assessment Screening under the Habitats Directive (92/43/EEC), the Planning and Development Act 2000, as amended, and the European Communities (Bird and Natural Habitats) Regulations 2011-2015. Waterford City & County Council has determined that an Appropriate Assessment is not required. The proposed development, individually or in combination with other plans or projects, will not have a significant effect on a European Site.

In addition, the proposal has also undergone screening for Environmental Impact Assessment under the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU, (and the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended) and Waterford City & County Council has determined that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.

Plans and particulars of the proposed development will be available for inspection or purchase at a reasonable fee not exceeding the reasonable cost of making a copy, at the following locations during public opening hours Monday to Friday for the period **16th July 2021 to 13th August 2021** inclusive (excluding bank and public holidays) :-

- Waterford City & County Council, Civic Offices, Davitts Quay, Dungarvan, Co. Waterford X35 Y326

Please note due to current Covid 19 related restrictions our public offices are open **by appointment only** to members of the public who wish to inspect a current planning application

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but who cannot examine it on our website due to lack of internet access. If you wish to request an appointment to inspect this application please telephone the

Customer Service Desk, Waterford City and County Council 0761-102020 from 9:30 to 1:00 or 2:30 – 4:00pm

A copy of the plans and particulars of the proposed development may also be viewed below.

Submissions or observations with respect to the proposed development may be addressed to the Director of Services, Economic Development & Planning Dept. Waterford City & County Council, 35 The Mall, Waterford, or by emailing [cappoquinhousingpilot@waterfordcouncil.ie](mailto:cappoquinhousingpilot@waterfordcouncil.ie) to arrive no later than 4.00pm **27th August 2021**.

Submissions should be clearly marked:

‘Development of No’s 6,7 & 8 Main Street and connected mews properties on The Green, Cappoquin, Co Waterford.’

It should be noted that the Freedom of Information Act applies to all records held by Waterford City and County Council

#### **Maps & Drawings**

- [Newspaper advert](#)
- [Issue Sheet](#)
- [Stage 2A Report](#)
- [AHIA Report](#)
- [FFA Letter](#)
- [Place Map](#)
- [Site Location Map](#)
- [Existing Elevations Upr. Main St. and The Green](#)
- [Existing FF Plan to Upr. Main St. and The Green](#)
- [Existing GF Plan to Upr. Main St. and The Green](#)
- [Existing Sections S1,S2,S3,S4,S5](#)
- [Existing SF Plan to Upr. Main St.](#)
- [Proposed FF Plan Upr. Main St. Roof Plan to Properties on The Green](#)
- [Proposed GF Plan Properties on The Green](#)
- [Proposed GF Plan Upr. Main St. Houses 6,7,8 \(FF Plan The Green Properties\)](#)
- [Proposed North Elevation Upr. Main St.](#)
- [Proposed Sections AA,DD](#)
- [Proposed Sections BB,CC](#)
- [Proposed SF Plan Upr. Main St.](#)
- [Proposed Site Plan Roof Plan](#)
- [Proposed South Elevation The Green](#)
- [AA Screening Green St, Townhouses](#)
- [FFA Issue Sheet](#)
- [Drain Plan](#)
- [Green St. EIA Screening](#)

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**Development at the premises formerly known as Moore’s Hotel, Main Street, Cappoquin, Co. Waterford, a protected structure, RPS no. 506.**

Submissions received;

2.

**From:** G Gill [mailto:bandongarry@gmail.com]

**Sent:** 27 August 2021 15:58

**To:** cappelquin moores hotel

**Subject:** ‘Proposed Development at the premises formerly known as Moore’s Hotel, Main Street, Cappoquin Co Waterford.’

I wish to make a Submission to Waterford Council Consultation:

**‘Proposed Development at the premises formerly known as Moore’s Hotel, Main Street, Cappoquin Co Waterford.’**

On 26 May, 2021, Waterford City and Council released the following news item:

*“Swifts are a small migratory bird that flies to Ireland each summer from southern Africa. They nest where suitable cavities can be found in buildings in our cities, towns, and villages. From May to August each year you can encounter Swifts, you will usually hear Swifts before you see them, their distinctive ‘screaming’ call is uttered on the wing as they fly superbly at high speed over rooftops.*

*However, their future is seriously threatened in Ireland mainly due to the loss of suitable nesting sites. Studies show an almost 58% decline of Swifts in Ireland, and their survival is under threat. As a result, they have been added to the red list of Birds of Conservation Concern in Ireland.*

*The good news is that there is a lot that we can all do to halt the decline and the survey will help identify where these conservation measures are required most urgently.*

*The support and active engagement of the public throughout Waterford is critical to the success of the project. This summer, BirdWatch Ireland, in partnership with the Heritage Office of Waterford City and County Council, will conduct a County Swift Survey in Waterford and we are asking interested people, communities, Tidy Towns groups, residents, and families to get involved by recording and reporting the presence of Swifts in their areas.”*

[\(https://waterfordcouncilnews.com/2021/05/26/search-for-waterfords-nesting-swifts-we-need-your-help-this-summer/\)](https://waterfordcouncilnews.com/2021/05/26/search-for-waterfords-nesting-swifts-we-need-your-help-this-summer/)

**The general idea of a Swift Survey is that nest sites are located, and recorded by the local Heritage Officer, to “help identify where these conservation measures are required most urgently”.**

In early 2021, a booklet called "Saving Swifts" (published by Birdwatch Ireland) was brought to the attention of Waterford Council in a pre-draft submission to the 2022 - 2028 Waterford County Development Plan.

The response from Waterford Council was that "Details of the Submission are noted. Waterford City and

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County Council supports the conservation of Swift".

Within that booklet, it is stated:

"It is illegal under The Wildlife Act 1976 (+ amendments) to intentionally kill or cause harm to nesting bird species.

Therefore, to comply with Irish legislation and to follow best practice the following actions should be carried out within the respective situations outlined below.....The following best practice should be adopted by the local authority during their own operations and made standard procedures as part of any relevant work carried out by contractors on the council's behalf:

" Follow these guidelines when planning work where Swifts are nesting:

1. First find out whether your site is used by nesting Swifts. Check with BirdWatch Ireland or the National Biodiversity Data Centre.
2. Never re-roof or replace fascia and soffits of a building used by nesting Swifts during the breeding season of May to September.
3. Leave existing Swift nest places undisturbed by any works.
4. Preserve the Swifts' access holes or make new ones to match the old exactly.
5. Do not block access with scaffolding or hoarding and do not net or wrap areas where Swifts are nesting"

Having embarked on a major county-wide exercise to identify Swift nest site locations for the purposes of Conservation (to include Moore's Hotel in Cappoquin), Waterford Council now presents the public with the Consultation Documents for this building, which describe the automatic ejection of a large colony of Swifts.

At no point in the Consultation Documents for Moore's Hotel are any of the "good planning" or "best practice" guidelines above discussed. Waterford Council are very happy to partner up with Birdwatch Ireland and have acknowledged receipt of the "best Irish practice" booklet, but it is unwilling to follow "best Irish practice" at this location, for reasons unknown.

Moore's Hotel is unique, in that it is one of only two buildings in Cappoquin where Swift nest sites have been accurately surveyed and recorded. The exact locations of the entrance sites to the nest sites are known, with seven recorded sites (and probably more) at this location.

The presence of seven+ nest sites in a single building is of County Level significance, but there is no discussion of even the possibility of the preservation or conservation of the existing nest sites (as is standard national and international best practice). The Red-Listed swifts are to be automatically ejected from the building, and the least favourable option of erecting nest boxes is the only option presented. Swifts are a site faithful species, and the expectation that they will automatically migrate to nest boxes shows a complete lack of understanding or knowledge of the species.

The EIA screening report states that "The loss of next [sic] sites for swifts can be mitigated by the incorporation of replacement nesting boxes either within or attached to the eaves of the building."

The Conservation Report (very last paragraph) states that:

"Additionally, we understand that the Town Centre Area of Cappoquin has recently been zoned as an Architectural Conservation Area".

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External Swift nest boxes are large, ugly objects, and yet the proposed “solution” to the nesting Swifts is to hang these from the eaves of a listed building in an Architectural Conservation Area?

**The “best practice” low-cost or nil-cost alternative**

The best, lowest cost, and most aesthetically pleasing option here is to simply leave the entrance holes alone, or fit simple swift bricks (**cost: €5**) to maintain the entrance points to the existing nest sites.

In 2017, Scottish National Heritage published “Swift Best Practice Advice Note Guidance for Planners, Builders, Architects and Community Groups”. This is extremely relevant, as two of the Case Studies discussed are very similar or identical to the Moore’s Hotel scenario.

[https://www.swift-conservation.org/2017\\_SNH\\_Swift\\_Best\\_Practice\\_Advice\\_Note-2.pdf](https://www.swift-conservation.org/2017_SNH_Swift_Best_Practice_Advice_Note-2.pdf)

(As with the Birdwatch Ireland guidance, this booklet stresses that:

**“The key factor is to include the work at the planning stage.”**

In the Planning documents published for the Moore’s Hotel site, the work to protect swifts has not even been considered.)

On Page 6 of the Scottish National Heritage booklet, there is an example of Kirkmichael Hotel 2.3iii:

*“Re-pointing work was carried out to the Kirkmichael Hotel where there were a number of swift nest sites. These were conserved by leaving the top course of stonework un-pointed, as it was in any case protected from water ingress by the guttering. This option conserved the swift nest sites at no cost and with no risk to the fabric of the building.”*

It is stated on the elevations of the Moore’s Hotel proposals that cast iron rainwater gutters are to be replaced, and if the profiles of the replacement gutters do not impede on lines of access to the nest sites, then this is the simplest nil-cost method to protect the nest sites.

The exact Swift nest sites are typically discovered when the bottom line of slate is removed from the roof. Best practice dictates that the exact site of the nest and entrance hole is carefully recorded.

Example 2.3ii (Inchturre Church, page 5) describes how once a nest was located:

*“A ventilated plywood nest box sized 450mm x 210mm x 222mm was made and placed in the same spot as the original nest after removing the roofing slates. The material from the old nest was kept and placed in the box to encourage the swifts to nest again the following year. Access to the rest of the building was blocked off and the slates were replaced.”*

The entrance point to the site was retained, i.e. not pointed over. In the case of Moore’s Hotel, either the holes can be retained, or a swift brick can be used (cost - €5). Internal plywood nestboxes of the type described (and illustrated) in this example are typically made from scraps of plywood typically lying about any building site.

**Both of the examples outlined above are minimal (less than €100) or nil-cost established best practice options. Either or both can be directly applied to the conservation of Swift nest sites in-situ at Moore’s Hotel.**

Section 3.6.2 of the Conservation Report for Moore’s Hotel states that:

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**“3.6.2 CONTRACTORS** The work will be undertaken by specialist contractors, with skilled craftsmen whose performance in the conservation field is recognised and known to be satisfactory.”

A brief discussion with these skilled craftsmen (and/or Aughey O’Flaherty architects) is all it will take to conserve the existing nest sites in-situ.

I live locally, worked as a roofer in the UK for several years, and have previously preserved Swift nests during building works. I would be delighted to volunteer my time free-of-charge to conserve the existing nest sites. It is a simple procedure.

There may be scope to additional nest boxes on the rear elevation, but if nest boxes are to be installed, it is requested that they do not block existing nest access points. Also, it is requested that Waterford Council only use certified/guaranteed commercially manufactured swift nest box products (e.g. Genesis or Woodstone products), and not unauthorised, poor quality replicas as are currently being erected on Council buildings in Dungarvan by Waterford Council.

BirdWatch Ireland are happy to supply further steer and recommendations if needed at any point and can be reached at [swifts@birdwatchireland.ie](mailto:swifts@birdwatchireland.ie) or on (057) 9151676.

The Conservation Report for Moore’s Hotel as published in the Consultation states on Page 8 that:

**“The highest standards of conservation will be applied to the contract”**

When it comes to Swifts, it appears that no standards of conservation are being applied.

### **Bats**

Bats, along with their breeding and resting places are subject to strict protection under the second pillar of the EU Habitats Directive. The lack of clarity on the presence of bats at Moore’s Hotel as per the Public Consultation documents has significant legal implications.

In the HABITATS DIRECTIVE PROJECT SCREENING ASSESSMENT, we are presented with the following statement:

" Potential Bay [sic] Survey will be carried out as part of a [sic] Ecological Impact Assessment."

Assuming that “Bay” should read “Bat”, the public are expected to decide if the word “potential” refers to bats, or to the survey.

Likewise, in the EIA screening, there is the written statement:

"The building may be a potential bat roost and will be confirmed by a bat survey."

This statement appears to confirm the presence of bats in Moore’s Hotel, but is then contradicted by other statements in the screening documents. Are there bats in the building, yes or no?

As a member of the public, I must rely on the accuracy of the information presented in the Public Consultation Documents on Moore’s Hotel. On several topics, that information is unclear, and contradictory.



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In the documents, there are contradictions between:

1. The presence (or not) of bats within the current structure
2. The proposed “solution” to the (avoidable) loss of Swift nest sites by using external Swift boxes in an Architectural Conservation Area (ACA)

There is also the glaring contradiction between Waterford Council’s 2021 campaign to identify and conserve endangered Swift Nest Sites on a county wide basis, yet we here see the unnecessary, automatic loss of an established colony of County level significance.

On the basis of the lack of clarity on the presence of bats in the HABITATS DIRECTIVE PROJECT SCREENING ASSESSMENT and the complete disregard of national and International best practice guidelines for the protection of swifts, I am requesting that:

A suitably qualified independent/external ecologist is employed to ensure that bats (if present) and common swifts receive the full protection of national and EU law.

A full Environmental Impact Assessment Report (EIAR) is commissioned, with particular focus on the protection of the the swift nesting colony i.e. avoidance and mitigation of the impacts of redevelopment.

**It is very disappointing that Waterford Council are so disinterested in this issue that they would not bother to read through or proofread formal Consultation Documents before posting it for Public Consultation.**

Again, it is requested that this EIAR is undertaken by a competent external body, independent of Waterford Council.

Biodiversity must be central to all developments by local government and not just a tick box exercise.

Yours sincerely

Dr. Gary Gill

8 Huntly Crescent

Southways

Abbeyside

Dungarvan

Co. Waterford

086 – 259 2459

Please contact me at the above number if there is a requirement for a payment to this submission process.