

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2021

Údarás Pleanála: Comhairle Cathrach agus Contae Phort Láirge

Uimhir Thagartha ar an gClár Pleanála: 20/576

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 20/576

ACHOMHARC ó Shinebright Teoranta faoi chúram McCutcheon Halley ó 6 Teach Seoighe, Cearnóg na Bearice, Baile an Chollaigh, Contae Chorcaí i gcoinne an chinnidh a rinneadh an 19ú lá de Lúnasa, 2021 ag Comhairle Cathrach agus Contae Phort Láirge cead a dhiúltú don fhorbairt bheartaithe.

APPEAL by Shinebright Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 19th day of August, 2021 by Waterford City and County Council to refuse permission for the proposed development.

Forbairt Bheartaithe: Tógáil 46 (líon) teaghais stórach measctha comhdhéanta de: 12 (líon) áit chónaithe scoite dhá stór ceithre sheomra leapa, dhá (líon) teach leathscoite dhá stór trí sheomra leapa, 28 (líon) teach cónaithe leathscoite trí sheomra leapa dhá stór agus ceithre (líon) aonad scoite dhá sheomra leapa do na scothaosta. Ballaí teorainn suímh bloic choincréite nua dhá mhéadar ar airde ar imlíne an tsuímh le codanna cuailí agus ráilí d'adhmaid áitiúil de réir phlean an tsuímh. Bealach isteach nua

chuig an mbóthar poiblí, gach nasc le seirbhísí poiblí agus na hoibreacha forbartha suímh uile atá gaolmhar, iad go léir ag Maoil an Choirnigh, An Rinn, Contae Phort Láirge, arna athbhreithniú leis na fógraí poiblí breise a fuair an t-údarás pleanála an 28ú lá d'Iúil, 2021.

Proposed Development: Construction of 46 number mixed-storey dwellings comprising of: 12 number four-bed two-storey detached dwellings, two number four-bed two-storey semi-detached dwellings, 28 number three-bed two-storey semi-detached dwellings and four number detached two-bed elderly units. New two-metre-high concrete block site boundary walls to perimeter of the site with localised timber post and rail sections as per site plan. New entrance to public road, all connections to public services and all associated site development works, all at Mweelahorna, An Rinn, County Waterford, as revised by the further public notices received by the planning authority on the 28th day of July, 2021.

Cinneadh

DIÚLTÚ cead a thabhairt don fhorbairt bheartaithe thuas ar na cúiseanna agus na cúinsí atá leagtha amach thíos.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

1. Tá an láithreán suite laistigh de Bhaile Tuaithe sainithe Leibhéal 4A laistigh den ordlathas lonnaíochta atá leagtha amach i bPlean Forbartha Cathrach agus Contae Phort Láirge 2022-2028. Luaitear i mBeartas CS 16 de Phlean Forbartha Cathrach agus Contae Phort Láirge 2022-2028, a bhaineann le Bailte agus Sráidbhailte Tuaithe sainithe, go mbeidh sé mar pholasaí ag an údarás pleanála a chinntiú go mbíonn 'scála na forbartha tithíochta beartaithe ag teacht le líon na n-aonad tithíochta atá oiriúnach d'aicme/tíopeolaíocht na lonnaíochta mar atá leagtha amach i Roinn 2.9 agus i dTábla 2.2'. Aithnítear i dTábla 2.2 den phlean seo gur féidir le Bailte Tuaithe sainithe Leibhéal 4A 'riar ar thuairim is 20 teach ar a mhéad le linn shaolré an Phlean Forbartha faoi réir chomhlíonadh bheartais agus chaighdeáin an Phlean Forbartha'. Bheadh an fhorbairt atá beartaithe ag teacht salach ar riachtanais Bheartas CS 16 de Phlean Forbartha Cathrach agus Contae Phort Láirge 2022-2028 a fhéachann lena chinntiú go bhfuil tograí forbartha 'comhoiriúnach le comhthéacs an tsuímh ó thaobh carachtair, scála agus dlúis de' agus, dá bhrí sin, go mbeadh sé contrártha do phleanáil chuí agus d'fhorbairt inbhuanaithe an cheantair.
2. Tá an suíomh suite laistigh de Limistéar Gaeltachta sainithe. Luaitear i gCuspóir Sonrach Forbartha GDDO1 de Phlean Forbartha Cathrach agus Contae Phort Láirge 2022-2028 gur 'cuspóir de chuid na Comhairle oidhreacht teanga na Gaeltachta a chosaint agus a chur chun cinn trí choinníollacha áitiúchta a úsáid a fhágann go bhfuil díol nó áitiú teaghaisí teoranta dóibh siúd ag a mbíonn líofacht réasúnta Gaeilge agus/nó do dhaoine arb ón nGaeltacht iad ó dhúchas". Bheadh an fhorbairt atá beartaithe, mar gheall ar a scála agus a leagan amach ar stíl fho-uirbeach agus a leibhéal suímh atá ann/beartaithe, ag teacht salach ar an gcarachtar atá ag an bpatrún seanbhunaithe forbartha sa cheantar tuaithe Gaeltachta seo agus theip uirthi a léiriú nach ndéanadh an fhorbairt mholta dochar do shláine teanga an cheantair. Bheadh an

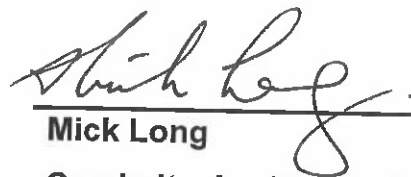
fhorbairt bheartaithe, mar sin, ag teacht salach ar phleanáil chuí agus ar fhorbairt inbhuanaithe an cheantair.

3. Bheadh an fhorbairt bheartaithe róluath go dtí go ndéanfaí uasghrádú riachtanach ar an líonra séarachais a fhreastalaíonn ar an suíomh seo. Bheadh an fhorbairt bheartaithe dochrach do shláinte an phobail agus, dá bhrí sin, bheadh sí ag teacht salach ar phleanáil chuí agus ar fhorbairt inbhuanaithe an cheantair.

Reasons and Considerations

1. The site is located within a designated Tier 4A Rural Town within the settlement hierarchy set out in the Waterford City and County Development Plan 2022-2028. Policy CS 16 of the Waterford City and County Development Plan 2022-2028, which relates to designated Rural Towns and Villages, states that it shall be the policy of the planning authority to ensure that 'The scale of a proposed housing development is consistent with the number of housing units appropriate to the class/typology of the settlement as set out in Section 2.9 and Table 2.2'. Table 2.2 of the development plan identifies that designated Tier 4A Rural Towns 'can support a maximum of circa 20 houses during the lifetime of the Development Plan subject to compliance with the policies and standards of the Development Plan'. The proposed development would be contrary to the requirements of Policy CS 16 of the Waterford City and County Development Plan 2022-2028 which seeks to ensure that development proposals are 'compatible with the context of the site in terms of character, scale and density' and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is located within a designated Gaeltacht Area. Specific Development Objective GDDO1 of the Waterford City and County Development Plan 2022-2028 states that 'It is an objective of the Council to protect and promote the linguistic heritage of the Gaeltacht through the use of occupancy conditions restricting the sale or occupation of dwellings to those who have demonstrated reasonable fluency of the Irish language and/or person's native to the Gaeltacht'. The proposed development, by reason of its scale and suburban-style layout and existing/proposed site levels, would be out of character with the established pattern of development in this rural Gaeltacht area and has failed to demonstrate that the proposed development would not detrimentally impact on the linguistic integrity of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development would be premature pending the required upgrading of the sewer network servicing this location. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



Mick Long

Comhalta den Bhord Pleanála

údaraithe go cuí chun fíordheimhniú a dhéanamh ar shéala an Bhoird.



Arna dhátú an *3* lá seo de *Bealtaine* 2023.