



An
Coimisiún
Pleanála

Ordú ón gCoimisiún Commission Order ABP-321838-25

Na hAchtanna um Pleanáil agus Forbairt 2000, arna leasú

Planning and Development Acts 2000, as amended

Údarás Pleanála: Comhairle Contae Phort Láirge

Planning Authority: Waterford County Council

Iarratas ar chead faoi alt 4 den Acht um Pleanáil agus Forbairt (Tithíocht) agus um Thionóntachtaí Cónaithe, 2016, arna leasú, i gcomhréir le pleananna agus sonraí a taisceadh leis an gCoimisiún Pleanála an 7^ú lá de mhí Iúil 2021 agus a d'athghníomhachtaigh Michael Ryan faoi chúram KPMG Future Analytics, 1 Plás an Stócaigh, Faiche Stiabhna, Baile Átha Cliath, an 11^ú lá de mhí Feabhra 2025.

Cuimsíonn an Fhorbairt Bheartaithe na nithe seo a leanas:

1. 218 gcinn d'aonaid chónaithe (ocht gcinn d'aonaid aon seomra leapa, 36 cinn d'aonaid dhá sheomra leapa, 161 cheann d'aonaid trí sheomra leapa agus 13 cinn d'aonaid ceithre sheomra leapa) atá idir dhá stór agus ceithre stór ar airde, ina bhfuil:
 - (a) 42 cheann d'aonaid dhéphléacsacha (ocht gcinn d'aonaid aon seomra leapa, 32 cheann d'aonaid dhá sheomra leapa agus dhá cheann d'aonaid trí sheomra leapa), agus
 - (b) 176 cinn de thithe sraithe, leathscoite agus scoite (ceithre cinn de thithe dhá sheomra leapa, 159 gcinn de thithe trí sheomra leapa agus 13 cinn de thithe ceithre sheomra leapa (agus an rogha ann an t-áiléar i suas le 121 cheann de na tithe trí sheomra leapa a athchóiriú chun tithe ceithre sheomra leapa a chruthú)), áit a bhfuil

2. Spás oscailte príobháideach i riocht gairdíní cúil, balcóiní agus ardán;
3. Creis (342.34 méadar cearnach d'achar urláir comhlán) agus limistéar súgartha gaolmhar spáis oscailte;
4. 466 cinn de spásanna páirceála carranna ar leibhéal an dromchla (430 ceann laistigh den limistéar cónaithe do chónaitheoirí agus do chuairteoirí agus 36 cinn sa charrchlós creise agus pobail), lena n-áirítear 24 cinn de spásanna do dhaoine a bhfuil lagú soghluaisteachta orthu;
5. 48 gcinn de spásanna páirceála rothar ar leibhéal an dromchla i dtrí cinn de shuíomhanna;
6. Stórais araidí bruscair (73 cinn do thithe agus d'aonaid dhéphléacsacha agus ceann amháin don chreis);
7. Limistéir spáis oscailte a bhfuil rochtain ag an bpobal orthu (28,570 méadar cearnach san iomlán), lena n-áirítear cosáin agus raonta rothar, limistéir shúgartha do leanaí, plandaí agus crainn, agus fála sceach agus spás oscailte atá ann cheana;
8. Bealaí isteach nua feadh an éadanais thuaidh, lena n-áirítear (1) príomhbhealach isteach ilmhódach agus oibreacha acomhail ar an limistéar cónaithe, (2) córas bealaigh isteach ilmhódaigh aontreo (áit a bhfuil an bealach isteach agus an bealach amach ar leithligh ó chéile) agus oibreacha acomhail ar an gcarrchlós creise agus pobail, agus (3) dhá cheann de bhealaí isteach do choisithe agus do rothaithe;
9. Nasc do choisithe agus do rothaithe, rud atá le héascú trí dhroichead nua ar an taobh thiar theas de Chúirt Fhearann an Tornóraigh;
10. Na seirbhísí coimhdeacha uile ar an láithreán agus na hoibreacha uile os cionn talún agus faoi bhun talún chun an fhorbairt a éascú, lena n-áirítear coigeartuithe ar leibhéal an láithreáin, comharthaíocht, cóireálacha teorann, seirbhísí uisce agus soilsiú poiblí.

Beidh an méid sin ar fad suite ag Clais na Lachan, Dún Garbhán, atá teorannaithe: ar an taobh thuaidh, le bóthar an L3168 (a nascann bóthar an R675 ar an taobh thoir le bóthar an N25 san áit a dtéann sé isteach i nDún Garbhán ar an taobh thiar), ar trasna uaidh atá eastát tithíochta Chluain Garbhán, Scoil Gharbháin (Gaelscoil ar leibhéal na bunscoile) agus Coláiste Naomh Agaistín (scoil dara leibhéal) suite; ar an

taobh thoir agus ar an taobh thoir theas, le páirc neamhfhorbartha; agus, ar an taobh theas agus ar an taobh thiar, le limistéir chónaithe atá ann cheana (eastáit tithíochta Shruthán na Saileach agus Fhearann an Tornóraigh) agus le páirc neamhfhorbartha.

Cinneadh

Cead a dhiúltú don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí luaite.

Cúiseanna agus Cúinsí

1. Tá an chuid is mó den láithreán, agus san áit a bhfuil sé beartaithe 218 gcinn d'aonaid chónaithe a lonnú, leochaileach i leith tuilte, agus tá sé criosaithe mar limistéar Ardtaitneamhachta i bPlean Forbartha Cathrach agus Contae Phort Láirge 2022–2028, arb é an cuspóir ina leith ná *suíomh an-íogair an-álainn a chosaint ar fhorbairt mhíchuí a dhéanfadh dochar do cháilíocht comhshaoil an tsuímh* agus ar ina leith atá úsáid chónaithe liostaithe mar úsáid nach bhfuil ceadaithe. Tá an cuspóir criosaithe sin bunaithe ar a leochailí atá an láithreán i leith riosca tuilte, mar atá léirithe sa Mheasúnacht Straitéiseach Riosca Tuilte atá leagtha amach in Aguisín 13 a ghabhann le Plean Forbartha Cathrach agus Contae Phort Láirge 2022 – 2028. Meastar an cuspóir criosaithe sin a bheith réasúnach. Dá bhrí sin, dhéanfadh an fhorbairt bheartaithe tithíochta straitéisí sárú ábhartha ar an gcuspóir criosaithe don láithreán, mar atá leagtha amach sa phlean forbartha reatha, agus bheadh sí contrártha do phleanáil chuí agus forbairt inchothaithe an limistéir.
2. Tá an láithreán leochaileach i leith riosca tuilte, mar atá léirithe sa Mheasúnacht Straitéiseach Riosca Tuilte atá leagtha amach in Aguisín 13 a ghabhann le Plean Forbartha Cathrach agus Contae Phort Láirge 2022–2028. De réir na Measúnachta Straitéisí Riosca Tuilte, tá an láithreán forbartha tithíochta straitéisí (atá sainaitheanta mar Limistéar 2) suite laistigh de Chrios Tuilte B, ach amháin i gcás cuid bheag de lár an láithreáin, atá suite lasmuigh den chrios tuilte. Moladh

go sainráite i dTástáil Fírinnithe an Phlean Forbartha nach gceadófaí aon fhorbairt mhórsála nua laistigh de Chrios Tuilte A ná laistigh de Chrios Tuilte B. Ina theannta sin, d'ainneoin na Measúnachta Riosca Tuilte atá Sonrach don Láithreán a cuireadh isteach in éineacht leis an iarratas, ní chomhlíonann an fhorbairt bheartaithe tithíochta straitéisí an Tástáil Fírinnithe le haghaidh Bainistíocht Forbartha, mar atá forordaithe i mBosca 5.1 de na Treoirlínte maidir leis an gCóras Pleanála agus Bainistíocht Riosca Tuilte (2009). Dá bhrí sin, tá an fhorbairt bheartaithe contrártha do na Treoirlínte maidir leis an gCóras Pleanála agus Bainistíocht Riosca Tuilte (2009) agus do Phlean Forbartha Cathrach agus Contae Phort Láirge 2022–2028.

3. San am i láthair, is ionann an láithreán forbartha beartaithe agus láithreán tábhachtach beathaithe agus scíthe do Chadhain agus, ar bhonn níos lú, do ghuilbhnigh earrdhubha, a bhfuil an dá cheann díobh ina leasanna cáilitheacha do Limistéar Cosanta Speisialta Chuan Dhún Garbhán atá suite in aice láimhe (Cód Láithreáin: 004032). I gcás Cadhain nach n-úsáideann raon leathan láithreán talún timpeall an limistéir cosanta speisialta sin, is léir gur fearr leo líon beag láithreán ar leith, an láithreán forbartha seo san áireamh, agus go mbíonn siad dílis do na láithreáin sin. Tá sé ríthábhachtach go mbeadh láithreáin oiriúnacha bheathaithe talún ar fáil in aice láimhe, an láithreán seo san áireamh, maidir leis an riocht fabhrach caomhantais atá ar Chadhain, atá liostaithe mar leas cáilitheach do Limistéar Cosanta Speisialta Chuan Dhún Garbhán (Cód Láithreáin: 004032), a choinneáil ar bun. Dá bhrí sin, tá ceangal bunúsach ag an láithreán forbartha seo le Limistéar Cosanta Speisialta Chuan Dhún Garbhán (Cód Láithreáin: 004032), agus tá tábhacht shuntasach leis mar ghnáthóg beathaithe geimhridh ex-situ. Ina theannta sin, tá easpa soiléire ann maidir leis na méideanna barrithreach atá le baint den láithreán agus maidir leis an méid líonaigh atá le tabhairt isteach ann chun an riosca tuilte laistigh den láithreán a laghdú, agus ní dhearnadh sa Ráiteas Tionchair Natura aon mheasúnacht leordhóthanach ar a shuntasá a bheadh na héifeachtaí indíreacha nó tánaisteacha a d'fhéadfadh eascairt as céim tógála na forbartha beartaithe, a mhéid a bhaineann le laghdú ar cháilíocht an uisce, le torann agus le deannach. Mar thoradh air sin, ní féidir a mheas gur leor na bearta maolaithe atá beartaithe sa Ráiteas Tionchair Natura chun tionchair shuntasacha

ar Limistéar Cosanta Speisialta Chuan Dhún Garbhán (Cód Láithreáin: 004032) a sheachaint. Ar bhonn na faisnéise a soláthraíodh in éineacht leis an iarratas, lena n-áirítear an Ráiteas Tionchair Natura agus an Ráiteas Tionchair Éiceolaíoch, ní deimhin leis an gCoimisiún nár léiríodh thar amhras eolaíoch réasúnach nach ndéanfaidh an fhorbairt dochar do Limistéar Cosanta Speisialta Chuan Dhún Garbhán (Cód Láithreáin: 004032) ná don phobal Cadhan agus nach ndéanfaidh an fhorbairt bheartaithe, aisti féin nó in éineacht le pleananna nó tionscadail eile, dochar do shláine Limistéar Cosanta Speisialta Chuan Dhún Garbhán (Cód Láithreáin: 004032), i bhfianaise chuspóirí caomhantais an láithreáin. Sna himthosca sin, ní bheadh sé cuí cead pleanála a dheonú.

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 7th day of July, 2021 and reactivated on the 11th day of February 2025 by Michael Ryan care of KPMG Future Analytics of 1 Stokes Place, Saint Stephen's Green, Dublin.

Proposed Development comprises of the following:

1. 218 number residential units (eight number one-bed, 36 number two-bed, 161 number three-bed and 13 number four-bed) ranging in height from two number to four number storeys, comprising:
 - (a) 42 number duplex units (eight number one-bed, 32 number two-bed and two number three-bed) and
 - (b) 176 number terraced, semi-detached and detached houses (four number two-bed, 159 number three-bed and 13 number four-bed (with the option for up to 121 number of the three-bed houses to have attics converted, thereby creating four-bed houses)), with
2. Private open space as rear gardens, balconies and terraces;
3. Crèche (342.34 square metres gross floor area) and associated open space play area;
4. 466 number car parking spaces at surface level (430 number within the residential area for residents and visitors and 36 number in the crèche and community car park), which include 24 number mobility impaired spaces;
5. 48 number cycle parking spaces at surface level in three number locations;
6. Bin stores (73 number for houses and duplexes and one number for the crèche);
7. Publicly accessible open space areas (28,570 square metres total), which include footpaths and cycle paths, children's play areas, planting and the incorporation of existing hedgerows and open space;
8. New entrances along the northern frontage, including (1) main multi-modal entrance and junction works to the residential area, (2) one-way multi-modal entrance system (separate access and egress) and junction works to the

- crèche and community car park and (3) two number pedestrian and cycle entrances;
9. Pedestrian and cycle connection to be facilitated via new bridge to the south-west into Tournore Court;
 10. All ancillary site services and above and below ground works to facilitate the development, including adjustments to site levels, signage, boundary treatments, water services and public lighting.

All located at Duckspool, Dungarvan, which is bound as follows: to the north by the L3168 Road (which links the R675 Road to the east with the N25 Road as it enters Dungarvan to the west), across which are the Cluain Garbhán housing estate, Scoil Gharbháin (primary level Gaelscoil) and Saint Augustine's College (secondary level school); to the east and south-east by an undeveloped field; and to the south and west by existing residential areas (Sallybrook and Tournore housing estates) and an undeveloped field.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars.

Reasons and Considerations

1. The largest portion of the site, and where it is proposed to locate 218 residential units is vulnerable to flooding and has been zoned HA - High Amenity in the Waterford City and County Development Plan 2022–2028 for which the objective is *to protect highly sensitive and scenic location from inappropriate development that would adversely affect the environmental quality of the locations* and where residential is listed as a use that is “not permitted”. This zoning objective has been informed by the sites vulnerability to flood risk as demonstrated in the Strategic Flood Risk Assessment as set out in Appendix 13 of the Waterford City and County Development Plan 2022 – 2028. This zoning objective is considered reasonable. The proposed strategic housing development would, therefore,

contravene materially the zoning objective for the site as set out in the current development plan and be contrary to the proper planning and sustainable development of the area.

2. The site is vulnerable to flood risk as demonstrated in the Strategic Flood Risk Assessment (SFRA) that is set out in Appendix 13 of the Waterford City and County Development Plan 2022–2028. The SFRA locates the strategic housing development site (identified as Area 2) within Flood Zone B save for a small section within the centre of the site that is outside the flood zone. The Development Plan Justification Test explicitly recommended that new, large-scale development within Flood Zones A and B not be permitted. Further, notwithstanding the Site-Specific Flood Risk Assessment submitted with the application, the proposed strategic housing development fails to satisfy the Justification Test for Development Management as prescribed in Box 5.1 of the Planning System and Flood Risk Management Guidelines (2009). The proposed development is therefore contrary to the Planning System and Flood Risk Management Guidelines (2009) and the Waterford City and County Development Plan 2022–2028.
3. The proposed development site is currently an important feeding and loafing site for Brent Geese and to a lesser extent Black-tailed Godwit, both of which are qualifying interests for the adjacent Dungarvan Harbour Special Protection Area (Site Code: 004032). Brent Geese which do not use a wide variety of terrestrial sites around this special protection area show a clear preference and fidelity to a small number of sites including this development site. The availability of suitable nearby terrestrial feeding sites, including this site, is essential to maintain the favourable conservation condition of Brent Geese listed as a qualifying interest for Dungarvan Harbour Special Protection Area (Site Code: 004032). This development site is therefore fundamentally connected to the Dungarvan Harbour Special Protection Area (Site Code: 004032) and is of significant importance as an ex-situ winter feeding habitat. In addition there is a lack of clarity with regards to the volumes of topsoil to be removed off site and fill material to be imported onto the site to reduce the risk of flooding within the site

and the Natura Impact Statement (NIS) has not adequately assessed the significance of the potential indirect or secondary effects arising from the construction stage of the proposed development, in terms of a reduction in water quality, noise and dust. As a result, the mitigation measures proposed in the NIS cannot be considered sufficient to avoid significant impacts on Dungarvan Harbour Special Protection Area (Site Code: 004032). On the basis of the information provided with the application, including the Natura Impact Statement and the Ecological Impact Statement the Commission is not satisfied that it has been demonstrated beyond reasonable scientific doubt that the development would not constitute an adverse impact on the Dungarvan Harbour Special Protection Area (Site Code: 004032) and the Brent Goose population and that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of Dungarvan Harbour Special Protection Area (Site Code: 004032), in view of the site's conservation objectives. In such circumstances, it would not be appropriate to grant planning permission.



Mary Gurrie
Mary Gurrie

**Coimisinéir Pleanála den Choimisiún
Pleanála atá údaraithe go cuí chun
séala an Choimisiúin a fhíordheimhniú.**

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 05 day of February 2026.

Arna dhátú an 05 lá seo de Feabhra 2026.