



An  
Bord  
Pleanála

**Board Order**  
**ABP-321881-25**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 24/60482**

**Appeal** by John and Joan Heaphy of Spring Farm, Crobally Upper, Tramore, County Waterford against the decision made on the 23<sup>rd</sup> day of January, 2025 by Waterford City and County Council to grant permission, subject to conditions, to Digital Pigeons Limited care of Fewer Harrington and Partners of Studio 14, The Atrium, Maritana Gate, Canada Street, Waterford for the proposed development.

**Proposed Development:** Change of house type of eight number four bed two-storey dormer detached dwellings (House Type B1), previously granted planning permission under planning reference number 20/270, to 15 number dwellings consisting of: 12 number four-bed two-storey semi-detached dwellings (House Type G and G1), and a terrace of three number dwellings consisting of two number four bed two-storey end-terrace dwellings and one number four-bed two-storey mid-terrace dwelling (House Types G2, G3 and G4) along with all ancillary and associated site works all at Crobally Upper, Tramore, County Waterford, as amended by the further public notices received by the planning authority on the 19<sup>th</sup> day of December, 2024.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, to the 'R1-New Residential' land use zoning of the site, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 5<sup>th</sup> day of December 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission An Bord Pleanála reference number PL93.309262, planning register reference number 20/270 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. This permission is for 14 houses.

**Reason:** In the interest of clarity.

4. Prior to the commencement of development, the developer shall submit, for written agreement of the planning authority, a specification and method statement covering repairs to the damaged boundary wall between the site and Spring Farm (a protected structure), to ensure the development is carried out in accordance with good conservation practice, and all works shall be carried out in accordance with this written agreement.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provision of the Architectural Heritage Protection Guidelines for planning authorities.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
  - (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

6. (a) Prior to the commencement of development, the final design detail and full specification for widening and upgrade of Strangers Boreen shall be agreed with the planning authority. The road widening and upgrade of Strangers Boreen shall be carried out by the developer to the satisfaction of the planning authority in accordance with the agreed details.

- (b) The onsite car parking spaces shall consist of permeable paving designed and constructed in accordance with Ciria SUDs manual C753. Prior to the commencement of development, a completed SUDs checklist in accordance with the Appendix B of the Ciria SUDs Manual C753 shall be submitted to the planning authority for written agreement and the car parking spaces shall be constructed in accordance with the agreed details. Prior to the development being taken in charge by the Local Authority, it shall be certified by a suitable qualified person, with professional indemnity insurance, a copy of which shall be submitted to the planning authority, that the permeable paving was constructed in accordance with Ciria SUDs Manual C73.
- (c) Entrance to dwellings shall be constructed so that surface water is not allowed to flow onto the public roadway or interfere with existing roadside drainage.
- (d) Any interference with or damage to a public footpath or road caused during the construction of the development shall be made good by the developer to the satisfaction of the planning authority.
- (e) Where the existing roadside boundary is to be set back, any existing service or utility poles between the new road fence line and the roadway shall be relocated with the agreement of the relevant service provider. A revised site layout plan shall be submitted to the planning authority, prior to any works commencing on the site, indicating the proposed location of the poles as agreed with the service provider.

- (f) All works carried out on the public footpath or the public road shall require a Road Opening Licence and Hoarding Licence.

**Reason:** Having regard to the nature of the development permitted herein, additional traffic to Strangers Boreen and the proper planning and sustainable development of the area.

7. Prior to the commencement of development, full details including brochure samples, of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To ensure that the proposed development is appropriately integrated into the surrounding landscape in the interest of visual amenity.

8. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

**Reason:** In the interest of residential amenity.

9. (a) All outstanding groundworks located within the development site shall require the implementation of agreed archaeological mitigation measures, including any groundworks associated with the establishment of any boundary structure and/or boundary treatment in the environs of archaeological monuments WA026-094 enclosure, WA026-095 pit burial and WA026-096 pit burial (such as landscaping, construction of boundary wall and/or fencing, reinstatement of laneway). This shall necessitate the preparation of an Archaeological Impact Assessment (AIA) and mitigation strategy by a suitably qualified archaeologist engaged by the developer, to ensure that appropriate mitigation measures are agreed and implemented to protect the archaeological heritage.
- (b) The Archaeological Impact Assessment shall be submitted to the planning authority and the National Monuments Service of the Department of Housing, Local Government and Heritage for agreement in advance of any such works commencing on site. Further archaeological excavation and/or monitoring (licensed under the National Monuments Acts 1930-2014) may be required in this area to ensure the recording and protection of any archaeological remains identified, appropriate treatment of any such remains and the submission of a final archaeological report to the relevant authorities following the completion of works on site and all post-excavation analysis.
- (c) The developer in consultation with the archaeological consultant, shall provide durable and appropriately designed information signage, providing visual material and information relating to the archaeological findings within the development area, to be erected and maintained at a suitable public location within the housing development to provide information to the local community and visitors.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

10. (a) The developer shall ensure that the storm water outfall and attenuation system is completed prior to the roofing of any units within the development permitted herein.
- (b) The developer shall ensure that areas of roofs partially completed without gutters and downpipes are kept to a minimum and that measures are taken to ensure, during the construction phase, during heavy rainstorms, that water from roofs and paved areas are directed into the storm water collection system.

**Reason:** To prevent flooding.

11. All of the in-curtilage car parking spaces serving the residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

**Reason:** In the interest of sustainable transportation, and to comply with the conditions of the parent permission.

12. Proposals for house naming/numbering shall be submitted to, and agreed in writing with, the planning authority prior to any sale or occupation of the properties.

**Reason:** In the interest of urban legibility.



13. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interests of amenity and public safety.

14. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



---

**Declan Moore**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 5<sup>th</sup> day of JUNE 2025.