



An  
Coimisiún  
Pleanála

Commission Order

ACP-323750-25

**Planning and Development Act 2000, as amended**

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

**Planning Register Reference Number: 25/60471**

**Appeal by Cosmo Developments Dungarvan Limited care of BMA Planning of Taney Hall, Eglington Terrace, Dundrum, Dublin against the decision made on the 2<sup>nd</sup> day of September, 2025 by Waterford City and County Council to refuse permission.**

**Proposed Development:** Large-scale Residential Development (LRD) comprising 126 number residential units and a stand-alone single storey creche building (173 square metres) with associated external play area, set down and parking spaces (12 number). The residential development consists of 102 number two-storey three- and four-bedroom terraced/semi-detached houses, including 50 number three-bedroom units and 52 number four-bedroom units and associated parking (204 spaces/two per dwelling) and private gardens. Blocks 1 and 2 (1,109 square metres each) are two number three-storey apartment blocks comprising 24 number apartments (four number one-bedroom and 20 number two-bedroom units) with associated ancillary accommodation and at-grade parking spaces (30 number) and ancillary storage, bin stores and bicycle parking compounds. Vehicular access is provided from an access from the Kilrush Road (R672) and

pedestrian entrances are proposed to Kilrush Road and the Dungarvan Bypass (N25). Permission is also sought for all hard and soft landscaping, boundary treatments, surface water and foul drainage connections to existing network and all associated site and development works associated with the above development, all at Kilrush, Dungarvan, County Waterford.

## **Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

The Commission performed its functions in relation to the making of its decision in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long-term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

In coming to its decision, the Commission had regard to the following:

- (a) the relevant policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032,

- (b) the relevant policies and objectives set out in the Waterford City and County Development Plan 2022-2028, including the location of the site on lands subject to the zoning objective New Residential where the objective is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure,
- (c) Delivering Homes Building Communities 2025-2030 issued by the Department of Housing, Local Government and Heritage in November 2025,
- (d) the provisions of the Sustainable Residential and Compact Settlements Guidelines for Planning Authorities (January 2024),
- (e) the Design Standards for Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025,
- (f) the Urban Development and Building Heights Guidelines for Planning Authorities (2020),
- (g) the Design Manual for Urban Roads and Streets (2013) updated 2019,
- (h) the Childcare Facilities Guidelines for Planning Authorities (2001),
- (i) the Development Management Guidelines for Planning Authorities (2007),
- (j) the availability in the area of a wide range of social and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,

- (l) the planning report and supporting technical reports of the planning authority,
- (m) the submissions and observations received in relation to the planning application and the appeal,
- (n) the grounds of the appeal and observations received, and
- (o) the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment,

#### **Appropriate Assessment Screening:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Reports submitted with the planning application, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites.

## **Environmental Impact Assessment Screening:**

The Commission completed an Environmental Impact Assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A of the Planning and Development Regulations 2001, as amended, identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands governed by the zoning objective New Residential of the Waterford City and County Development Plan 2022-2028 and the results of the Strategic Environmental Assessment of the Waterford City and County Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- (c) the greenfield nature of the site and its location at the edge of town location at Dungarvan which is served by public services and infrastructure,
- (d) the existing use of the site and the pattern of development in the surrounding area,
- (e) the planning history relating to the wider area of the site,
- (f) the absence of any significant environmental sensitivity in the vicinity,

- (g) the location of the proposed development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001, as amended,
- (h) the guidance set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development issued by the Department of the Environment, Heritage, and Local Government (2003),
- (i) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and
- (j) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

## **Conclusions on Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable zoning objective New Residential and other relevant policies and objectives of the Waterford City and County Development Plan 2022-2028, would result in an appropriate density of residential development, would constitute a satisfactory mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, and would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience. Furthermore, having regard to the proposed water and surface water proposals, in particular the proposed SUDs measures which will improve the existing surface water drainage on site, the proposed development would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding or impacting on flooding in the immediate vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a revised house design of the proposed site number 1 for a single storey dwelling.

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

3. The mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, Site-Specific Flood Risk Assessment and Construction and Environmental Management Plan, as submitted with the planning application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment, public health and clarity.

4. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the final phasing plan indicating the following:
  - (a) The construction of the dwellings permitted herein shall proceed in accordance with the submitted phasing plan and shall ensure that the appropriate sections of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied.
  - (b) The Spine Road and associated services permitted herein shall be constructed in Phase 1, as per the submitted details, and when completed to an acceptable standard as part of Phase 1 shall be taken in charge by the planning authority.
  - (c) The creche permitted herein shall be operational prior to the occupation of more than 50% of the dwellings to be constructed in Phase 3.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. (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) pursuant to Section 47 of the Planning and Development Act 2000, as amended, 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.

6. Prior to commencement of development, proposals for a development name and house/apartment numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

7. Details of the materials, colours, and textures of all the external finishes to the proposed development and boundary treatments shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority.

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

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. (a) 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 commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the Soft Landscape Plan (Sheet No 25104\_Dungarvan\_LP-SLP Revision C).  
(b) The agreed lighting scheme shall be fully implemented and operational prior to the making available for occupation of any residential unit.

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

10. Prior to commencement of development, the developer shall enter into connection agreement(s) with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

11. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, and subject to agreement with the planning authority to carry out such works which may be outside the developer's control, the developer shall survey the existing 225-millimetre pipe fronting the site on the R672 to determine the condition of the pipe. Following the survey, if the existing pipe is found to be damaged/collapsed, the developer shall, at its own expense, repair the existing pipe fronting the site on the R672 and shall agree the parameters of the related rectification works to the pipe with the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

13. Prior to commencement of development, a final Road Safety Audit of the proposed development, including the main entrance, internal road, pedestrian/cycle path layouts, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic, pedestrian and cyclist safety, and sustainable transport.

14. Prior to commencement of development, the following details shall be submitted for the written agreement of the planning authority:

- (a) Raised pedestrian crossing incorporated at the site entrance.
- (b) All internal junctions to include stop signage and markings.
- (c) The long internal straight spine road through the proposed development shall be redesigned to incorporate horizontal deflection.
- (d) Statutory speed limit signs at the development entrance.
- (e) Cul-de-sac ends at all locations shall incorporate adequate turning areas for vehicles, including emergency vehicles/refuse trucks.
- (f) Footpaths internally shall be 2.0 metres wide.

**Reason:** In the interest of traffic and pedestrian safety.

15. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the planning application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

16. All roads and footpaths/cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction, including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a revised taking in charge drawing which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of permeability and proper planning and sustainable development.

17. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.  
**Reason:** In the interest of environmental protection residential amenities, public health and safety and environmental protection.
18. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.  
**Reason:** In the interest of sustainable transport and safety.
19. (a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

(b) The OWMP shall provide for screened bin stores for the residential units, and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged with the planning application, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

20. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of the development.

22. Prior to commencement of development:

- (a) The developer shall engage the services of a suitably qualified archaeologist to carry out a documentary and fieldwork-based Archaeological Impact Assessment of the proposed development to develop an informed archaeological mitigation strategy to ensure the protection of the archaeological heritage and shall submit the Archaeological Impact Assessment Report to the planning authority.
- (b) The assessment shall involve documentary and cartographic research, geophysical survey and archaeological testing (licensed under the National Monuments Acts 1930- 2014), fieldwork and an examination of the proposed plans for development. Test trenches shall be excavated at locations specified by the archaeologist within the proposed development area, having consulted the site plans and results of fieldwork and geophysical survey, to determine the presence/absence of archaeological remains.
- (c) Having completed the work, the archaeologist shall prepare a written report, including an archaeological impact statement, for submission to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, establishment of sufficient 'buffers' to ensure preservation of archaeological remains, review of development layout and design, preservation by record (excavation) or monitoring, shall be required and suggested mitigation measures shall be outlined in the report.

- (d) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to, and approval to proceed is agreed in writing with, the planning authority.
- (e) The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works, excavation and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

23. Prior to commencement of any development works on site, including the removal of any building, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings shall be submitted for the written agreement of the planning authority. Should the significant presence of bats be established on site, no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation and conservation of this species.

24. 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 provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún 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 of the area.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority and/or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. 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 Coimisiún 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.

27. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of required improvements to pedestrian infrastructure (construction of a new footpath extending from the eastern development boundary along the R-672 to the existing footpath at the existing Belisha pedestrian crossing) which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme, and which will benefit the proposed development.

  
Declan Moore

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

Dated this 12<sup>th</sup> day of JANUARY 2026.