

An  
Coimisiún  
Pleanála

Commission Order  
PL-500728-WD-26

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

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

**Planning Register Reference Number: 2560795**

**Appeal** by Jerry and Jackie Collins and by Others against the decision made on the 13<sup>th</sup> day of January by Waterford City and County Council to grant, subject to conditions, a permission to Emer and Frank Lyons in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a storey and a half dwelling house, the revision of existing boundaries and the construction of a new site entrance to serve the site and all associated ancillary site works at Tournore, Dungarvan, County Waterford.

## **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 pattern of development in the immediate vicinity of the subject site and the relatively self-contained nature of the existing dwelling site together with the proposed layout and also having regard to the limited scale of the vehicular access across the existing open space which is to be maintained by Waterford City and County Council, the Commission is satisfied that the proposed development would, subject to compliance with the conditions below, deliver a moderate increase in housing density of adequate design that balances the protection of existing residential amenities and does not detract from the character of the area, enjoyment of open space or residential amenities in the surrounding area. Furthermore, the Commission is satisfied that the addition of one entrance would not pose an undue risk to public safety by reason of traffic hazard. 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, 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. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed house(s) shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

**Reason:** In order to prevent overdevelopment of the site in the interest of residential amenity, and traffic safety and convenience.

3. (a) The entrance shall be constructed so that surface water is not allowed to flow onto the public roadway or interfere with existing roadside drainage.
- (b) Any interference with or damage to the public footpath, road or Open Space area caused during the construction of the development shall be made good by the developer to the satisfaction of the District Engineer.
- (c) The entrance between the edge of the roadway and the eastern boundary wall shall be reasonably flat and level with the public road. The surface dressing and kerbing for this area shall be agreed with the District Engineer and a copy of all agreements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (d) Prior to the commencement of development a letter of agreement, signed by the Area Engineer shall be submitted to, and agreed in writing with, the planning authority indicating compliance with conditions (a), (b) (c) above.

- (e) Any alterations to the existing northern site boundary adjoining L3168 shall be subject to written agreement of the planning authority.
- (f) Any entrance gates shall be constructed at the location of the eastern boundary wall and shall have inward opening gates only.
- (g) The existing finished road levels shall not be raised or lowered to facilitate the development permitted herein without the prior consultation of the District Engineer and the subsequent written agreement of the planning authority.

**Reason:** In the interests of orderly development.

- 4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health and surface water management.

- 5. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interest of visual amenity and to ensure an appropriate high standard of development.

7. All service cables associated with the proposed development (such as electrical, telecommunications) 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 interests of visual and residential amenity

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

**Reason:** To safeguard the amenity of property in the vicinity.

9. The site shall be landscaped in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall also include the following:
- (a) Details of all tree removals and plantings.
  - (b) Boundary treatment along southern and western boundaries shall be in accordance with submitted site layout plan. Hedgerow planting shall consist of a mixture of naturalised species. The planting shall be carried out in the first planting season following the completion of the dwelling. When planted the trees shall be adequately protected from damage by animals or wind. Any failures within five years shall be replaced and the trees allowed to grow to maturity.
  - (c) A numbering scheme for the dwelling.

**Reason:** In the interests of residential and visual amenity, biodiversity and orderly development.

10. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

11. 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.

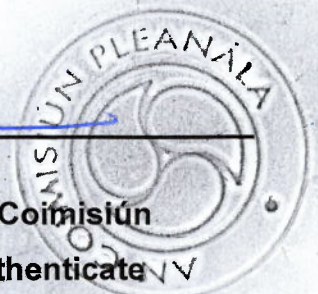
**Reason:** it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Paul Caprani**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *3<sup>rd</sup>* day of *June* 2026