



An
Bord
Pleanála

Inspector's Report ABP-312822-22

Development	6 detached two storey houses and 1 detached two/one storey house, access roads and ancillary site works.
Location	Monang, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	21684
Applicant(s)	John Deane & John Ruane.
Type of Application	Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Garry & Ann Morrissey.
Observer(s)	None.
Date of Site Inspection	2 nd September 2024.
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The proposed site is located in Monang, Dungarvan, Co. Waterford. The site is approximately 1km northeast of Dungarvan town centre. The site has an area of 0.747 ha and fronts onto the L3165 (Old Hospital Road). Dungarvan Harbour SPA and pNHA (Colligan Estuary) is located approximately 60m to the west of the subject site. Currently, the site is greenfield and slopes from east to west towards the Estuary. One off dwellings are located to the north and south of the subject site, Pinewood Lawn housing estate is located to the northwest of the proposed site.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- 6 no. detached two storey dwellings.
 - 1 no. detached two/one storey dwelling.
 - All ancillary works
- 2.2. Following a further information request from the Planning Authority, the design for 1 no. detached two/one storey dwelling was amended to a one storey bungalow.

3.0 Planning Authority Decision

3.1. Decision

Granted Permission subject to 26 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority report addresses the principle of development, the design and open space which were deemed acceptable.
- The report addressed the submissions received.
- The report raised concerns in relation to sightlines, roads requirements for footpaths, set back etc, concerns also raised regarding surface water outfall,

boundary treatment and potential overlooking from Plot 7 to the existing two storey dwelling. These concerns were addressed through a further information request.

- A further information report was completed by the Planning Authority, the further information requests were addressed, and a grant of permission was recommended subject to 26 conditions.

3.2.2. Other Technical Reports

- Heritage – no concerns for significant effects on conservation objectives for the qualifying birds of interest of the SPA due to the scale of the estuary and the dilution factor. The proposal will not affect feeding or roosting areas.
- Roads – A number of further information requests were made in relation to:
 - Public road and footpath widening
 - Entrance sightlines
 - Relocate entrance.
 - Public lighting and roads within the estate
 - Footpaths on internal roads
 - Appropriate lining/signing
 - Turning head required
 - Swept path analysis required.
 - All utilities underground
 - Details of storm water drainage & attenuation
 - Special contribution for public road improvements
- Water Services – Storm water details and appropriate consent for outfall location. Redesign of the layout to ensure the attenuation tank is located in the public space.

3.2.3. Conditions

- A number of prior to commencement conditions attached including:

- Screen Wall A along the northern boundary shall be constructed on northern boundary of the site with no gaps between the proposed site and the existing site. Boundary wall to be plastered on both sides.
- Revised site layout in terms of 11m setback from site entrance to the opposite side of the road, agree details for prioritisation of pedestrian/cyclists.
- Public lighting to be provided along the public road.
- Details of the integrity of the existing storm water pipes
- Details to be submitted of agreement between the developer and Uisce Eireann in relation to compliance with water network, water metering, and foul drainage measures to serve the development.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- Submissions were received from Garry & Ann Morrissey & Bob O'Brien c/o J Mansfield. The concerns raised were:
 - Prematurity in absence of a Masterplan
 - Sequential approach
 - Lack of road infrastructure & development premature pending upgrading of the road
 - Impact on adjacent properties
 - First floor window on Plot no. 1 will overlook the bungalow and garden & should be a bungalow.
 - Future plans for remaining site unclear
 - Boundary treatment
 - Setback required for road widening.

- Relationship between applicant and company/registered owner is unclear.
- Location of entrance is unsafe & entrance should be located closer to Pinewood development or alternatively until the new Masterplan has been established by the new development plan.
- Planning Ref: PL05510084 relates to 175 houses, proposed entrance not suitable for volume of traffic.
- The public open space is only incidental and deficient in the absence of an overall development proposal.
- Turning movements for public service vehicles are also deficient.

4.0 Planning History

PL56.223343 (PA Reg. ref. 84/05) (Year 2007): Ruden Homes refused permission for 175 no. houses, 1 no. creche and 4 no. overhead apartments and associated works for the following reason:

It is a stated objective of the Dungarvan Town Development Plan 2006-2012 that a masterplan be prepared for the undeveloped lands at Monang defined by the N25, the Monang Road and the Knockateemore Road to ensure that future development in this area will be undertaken in a cohesive, integrated, and co-ordinated manner. The development plan also includes an objective to encourage a sequential approach to development of these lands. It is considered that development of the kind proposed would be premature pending the determination by the Planning Authority of a masterplan for the undeveloped zoned lands at this location. Furthermore, the proposed development would be premature pending the determination of a road layout for the area. The proposed development would, therefore, conflict with the objectives of the Planning Authority and be contrary to the proper planning and sustainable development of the area.

04510033: Mr John Queally granted permission for 125 no. houses and all associated works.

5.0 Policy Context

5.1. National Policy

- National Planning Framework – Project Ireland 2040
- Sustainable residential Development and Compact Settlement Guidelines 2024.
- Design Manual for Urban Roads & Streets (DMURS) 2019.

5.2. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.3. Local Policy

5.4. Waterford City & County Development Plan 2022-2028

The proposed site is zoned as R1 – New Residential, the objective provides for new residential development in tandem with the provision of the necessary social and physical infrastructure.

Chapter 2 Spatial Vision & Core Strategy designates Dungarvan as a Key Town. A key town is a strategically located urban centre with accessibility and significant influence in a sub-regional context.

Volume 2, Development Standards outlines the criteria in relation to residential development (section 3.0), residential miscellaneous (section 4.0), parking standards (section 7.0) and roads access policy (section 8.0).

There is a transport objective for Road Reservation along the Old Hospital Road to the front of the subject site.

The site is located in most sensitive landscape and seascape character area, this area has very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.

A Strategic Economic Corridor is located to south of the subject site.

5.5. Natural Heritage Designations

- Dungarvan Harbour SPA (Site code 004032) is located approximately 50metres west of the subject site.
- Dungarvan Harbour pNHA (Site code: 000663) is located approximately 50metres west of the subject site.
- Glendine Wood SAC (site code 002324) is located approximately 2.6km northeast of the subject site.
- Helvick Head to Ballyquin SPA (Site Code 004192), Helvick Head SAC (Site code 000665) and Helvick Head pNHA (site code 000665) are located approximately 7.5km south of the subject site.
- Mid-Waterford Coast SPA (site code 004193) is located approximately 7.5km east of the subject site.
- Blackwater River (Cord/Waterford) SAC (Site Code: 002170) is located approximately 9km northwest of the subject site.
- Ballyvoyle Head to Tramore pNHA (Site code: 001693) is located approximately 7.5km east of the subject site.

5.6. EIA Screening

- 5.6.1. The proposal relates to a 7-no. dwelling with connection to public services in the Dungarvan town. The site is located on zoned lands and not within an designated Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to Form 1 and Form 2 as per Appendix 1 below.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been received from the adjacent neighbour to the north of the proposed development. The following concerns were raised:

- Planning History - developer has ignored previous refusal from An Bord Pleanála under planning reference PL56.223343
- Premature Development - Monang Masterplan has not been completed. Development of the lands should be in a sequential approach, lands adjoining Southways Housing Estate and fringed by the N25 should be considered first. An Bord Pleanála referred to this in the previous appeal PL56.223343
- Residential Amenity - The proposal does not consider the south facing windows in the existing dwelling to the north. And the proposed dwelling should be adequately set back and not aligned parallel to the appellants.
- Design & Layout - No plans submitted for the remaining lands to the rear. The proposed dwellings shall all be bungalows with low density respecting the existing character of the area.

Plot 1 is facing southwards and should face westwards like the other proposed dwellings, the building line at Plot 1 is misaligned with the other proposed dwellings.

- Boundary Treatment - Proposed boundary should be set back at least 5 metres from the common boundary line with the appellant to the north and the boundary wall shall be 2 metres high.

Appellant objects to condition 2(a) which states the developer to submit pre-commencement information on the wall location and to ensure no gap is present between the 2 boundaries. The condition is unacceptable as the boundary is not set back far enough and the condition is open to interpretation by the developer.

- Monang Road Widening/Realignment - The appellants queries condition attached the grant seeking the applicant to provide a 6m road, 3m

cycleway/footpath and 2m widening footpath on the opposite side of the road. The applicant has not and will not be given consent to take any additional land from the residents.

The construction of a 1.5m footpath on the west side has narrowed the road and has made it more dangerous.

Development should be refused until new road infrastructure is in place.

6.2. Applicant Response

The applicant has responded and has made the following comments:

- History of the site has been addressed & issues raised by An Bord Pleanála were addressed.
- Issues raised in relation to “prematurity” and “sequential development” appear to be based on An Bord Pleanála decision from 14 years ago, planning reference 223343. The Masterplan was part of the Dungarvan Town Development Plan 2012-2018 and is no longer applicable.
- Monang Road Widening/Realignment – the road layout has been designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) and with the Council’s specifications. The development will facilitate the upgrade of a 165m section of the road through the setting back of the existing road boundary and the provision of footpaths and a wider carriageway within the setback area.
- The appeal does not acknowledge the Core Strategy which separates residential zones into R1, R2 and R3 which were selected based on a sequential test. The proposed site is zoned R1 and is serviced and available for development.
- Regarding the impact on residential amenity, the applicant has amended the design of the dwelling on the northern plot to preclude any overlooking or overshadowing. The applicant also offered to move the boundary a further 3 metres from the appellants boundary, but the appellant has requested a 5-metre buffer. The applicant has suggested that a 3-metre buffer can be

accommodated, and the applicant will provide a low-maintenance landscape plan and transfer the buffer are to the appellant.

- All construction and operational traffic generated by the proposed development will leave or join the public road at a single properly designed junction where maximum sight distance will be available.

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Overlooking, Overbearing and Overshadowing
- Character & Design
- Monang Road Widening/Realignment.
- Appropriate Assessment

7.2. Principle of Development

7.3. The site will be assessed in accordance with the current Waterford City & County Development Plan 2022-2028. The proposed site is zoned as R1 – New Residential,

the objective provides for new residential development in tandem with the provision of the necessary social and physical infrastructure. All R1 lands are considered to be developable during the lifetime of the Development Plan.

- 7.4. Dungarvan town is designated as a key town and noted as strategically located urban centre with accessibility and significant influence in a sub-regional context. The provision of lands for new residential development seeks to consolidate existing residential areas close to the historic core of Dungarvan, at Monang to the east of the Old Hospital Road and at Shandon.
- 7.5. Previously An Bord Pleanála refused permission in 2007 for development on this site for residential, this was based on the absence of a Masterplan. Since then, a more recent Development Plan has been adopted. The Planning Authority included an objective requiring a MasterPlan for the subject site and adjacent area in the development plan, although this requirement was removed following a Judicial Review (2022 651 JR).
- 7.6. Following the above order, the resulting text will be deleted from Volume 3, Appendix 3 of the Development Plan: *DGD022: To secure the sustainable and sequential longer-term development of lands at Monang, located between the Old Hospital Road and the N25, development of Tier 2 residential lands shall be informed by and consistent with a masterplan, the scope and detail of which shall be agreed in writing with the planning authority prior to the masterplan being prepared.* All associated maps were amended and all reference to DGD022 removed.
- 7.7. The grounds of appeal note the Monang Masterplan has not been completed and therefore the development is premature until the masterplan has been completed. In addition, the grounds of appeal state the development of the lands should be carried out in a sequential approach and that the lands adjoining Southways Housing Estate and fringed by the N25 should be considered first.
- 7.8. Since this initial submission of the appeal, a judicial review was conducted on the Waterford City and County Development Plan 2022-2028 as stated above and the requirement for a Masterplan at Monang land has been removed. Therefore, the applicant is not required to carry out a Masterplan prior to lodging a planning application on this site. The lands are now zoned as R1 – New Residential, a

sequential approach is not required in accordance with the current CDP and the lands can be developed during the lifetime of the CDP.

- 7.9. Having regard to the proposed development located on lands zoned as R1 New Residential and within the settlement boundary of Dungarvan town designated as a key town as per Waterford County & City Development Plan 2022-2028, the proposed development is considered acceptable and in compliance with the zoning objective for the subject site.
- 7.10. **Overlooking, Overbearing & Overshadowing.**
- 7.11. The proposed site is a greenfield site located along the Old Hospital Road (L3165). The area predominantly consists of one-off detached dwellings, ribbon development is evident along both sides of the road. Directly to the north of the proposed site there is a single storey dwelling and directly to the south is a two-storey dwelling.
- 7.12. The grounds of appeal from the appellant to the north of the subject site are in relation to overlooking, overbearing and overshadowing of their property, in particular on their south facing windows. The appeal states the proposed dwelling at plot 1 is not adequately set back from their boundary is not aligned parallel to their dwelling or the remaining proposed dwellings. The appellant has requested the applicant to set back the boundary wall by at least 5 metres from the common boundary wall and that any new boundary wall should be at least 2 metres in height.
- 7.13. The boundary wall is proposed to be located 3 metres from the common boundary. However, this proposal has left a gap between the proposed and existing site and as a result the Planning Authority attached a condition to the grant of permission requesting the applicant *to provide a site layout plan relocating Screen Wall A along the northern boundary of the site, the Screen Wall A shall be constructed on the northern boundary of the site with the adjoining existing dwelling with no gap between the two sites.*
- 7.14. The appellant's dwelling is located to the north of Plot 1 and is located within a metre of the existing boundary. The proposed dwelling is a bungalow style dwelling and is set back 6 metres from the common boundary wall. The house is orientated west to east with the front elevation directly facing south. The proposed overall height is 6.215 metres and is approximately 1 metre higher than the existing dwelling to the north. There are no first-floor windows proposed.

- 7.15. I am satisfied that the location of the proposed dwelling at 6 metres from the appellants dwelling and the design of a single storey bungalow with an overall height of 6.215metres, there will be no overlooking, overshadowing or overbearing onto the appellants property as there is sufficient distance between the 2 properties. In addition, no first floor windows are proposed on the proposed dwelling.
- 7.16. During my site visit, I noted an overgrown high hedgerow and planting on the boundary of the appellant to the north, at present the appellant has no view to the south.
- 7.17. Regarding the condition 2(a) requesting the applicant to submit a revised site layout plan relocating Screen Wall A along the northern boundary of the site and no gaps shall exist. I consider that this condition is applicable, and the applicant shall be required to move Screen Wall A adjacent to the neighbouring properties, no gap shall exist between the properties and there is no requirement for an additional separation. As noted above and in my opinion, the existing common boundary is appropriately located and the proposed boundary wall of 2 metres will not have any negative impact on the appellant or cause overshadowing and will not be overbearing on the appellant.
- 7.18. Having regard to the location of the proposed dwelling, the proposed house type, the urban setting, and the proposed septation distance of 6 metres from the appellants property to the proposed dwelling and the location of a new 2 metre boundary wall on the common boundary, I do not consider that the proposal will have a significant adverse impact on overlooking, overshadowing or overbearing of the property to the north of the proposed site.
- 7.19. **Character and Design**
- 7.20. The proposed development is located along a local road and in an area of predominantly one off detached dwellings. Ribbon development is evident on both sides of the road. The proposal will consist of 1 no. bungalow and 6 no. two storey dwellings in a row of individual plots ranging from 0.06 hectares to 0.09 hectares. The applicant has indicated an access road to future residential development to the rear of the site.
- 7.21. The grounds of appeal request that all the proposed dwellings should be bungalows and the density proposed is too high and does not reflect the existing character of

the area. The grounds of appeal also raise concerns in relation to the remaining lands to the rear as no plans have been submitted.

- 7.22. The proposed development consists of 1 no. bungalow and 6 no. two storey dwellings, the proposed dwellings are generally set back in line with the existing building line along this local road. The existing dwelling to the north is a bungalow and the proposed adjacent dwelling is a bungalow, the remaining dwellings are similar to the existing two storey dwelling to the south. In my opinion, the house type, layout and orientation of the dwellings is in keeping with the character of the area and the transition from two storey to bungalow at the northern plot to match the existing bungalow is acceptable and acknowledges the house types in the area.
- 7.23. In relation to density, the applicant is proposing 7 no. houses on 0.785ha, resulting in a density of 11 dwellings per hectares. While higher densities are generally encouraged within key towns, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, section 3.4.2 Step 2 also recognise that *“new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment”*. I would consider the proposed development lends itself to the existing pattern of low-density development in the immediate area and is therefore acceptable.
- 7.24. The lands to the rear are zoned as residential and the applicant has indicated on the site layout that an access road though the proposed site will access the lands to the rear. No new planning application submitted to date. (September 2024)
- 7.25. Having regard to the character of the area, it is in my opinion that the proposed density is acceptable and complies with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The proposed house types and layout generally conform with the existing house types in the area and I do not consider that the proposed development will have a negative visual impact on the surrounding area.
- 7.26. **Monang Road Widening/Realignment**

- 7.27. Local road, L3165 known as the Old Hospital Road is located along the front boundary of the site. The road is narrow in places with the existing hedgerow/boundaries directly adjoining the road, there is no verge on eastern side adjacent to the proposed site. There is a 1.5metre footpath along the western boundary of the road opposite the site. As per Waterford City and County Development Plan 2022-2028, there is a transport Objective in relation to the upgrade along the Old Hospital Road to the front of the subject site.
- 7.28. The grounds of appeal refer to condition 3(a) of the grant of permission from the Planning Authority, the applicant is requested to provide a minimum 11m setback from the opposite side of the road, this 11m should allow for a 6m road, 3m cycleway/footpath and 2m widening footpath on the opposite side of the road. The appellant states that consent will not be given from the residents of the road to allow this widening. The applicant has not and will not be given consent to take any additional land from the residents. The appeal also claims that the construction of the existing footpath has made the road more dangerous and that no details have been submitted regarding the road.
- 7.29. The existing local road is narrow and lined with one off dwellings on either side of the road. The footpath along the western boundary has improved the accessibility of the road for pedestrians and cyclists. The applicant will upgrade a section of road of 165 metres directly in front of the proposed site. The proposed widening of this section of the road will not impact on the landowners along the western boundary or the appellants property, the 11-metre setback required is within the boundary of the applicant. I note the proposed works required are designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) and with the Council's specifications.
- 7.30. Having regard to the proposed upgrades along this section of road, I do not consider that there is any potential negative impact on the existing and proposed road users. The proposed upgrades are essential to comply with transport objective, road reservation on the existing road and offer safer conditions for pedestrians and cyclists. Condition 3(a) as outlined by the Planning Authority shall remain in the event of a grant of permission.

8.0 AA Screening

- 8.1. Having regard to the proposed development of 7 no. detached dwellings with connection to public sewer and public water and discharge of surface water to the existing public storm water network and within the development boundary for Dungarvan Town. The nearest European site is Dungarvan Harbour SPA (site code: 004032) which lies approximately 60 metres west downhill of the site. Having reviewed the comments from the Heritage Officer of Waterford County Council which states no concerns for significant effects on the conservation objectives for the qualifying birds of interest of the SPA due to the scale of the estuary and the dilution factor. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that permission should be granted, subject to the conditions and considerations as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the site, to the design & layout of the proposed development and the information captured in the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities and the Waterford City and County Development Plan 2022-2028, it is considered that the proposed development is in accordance with the zoning objective and would not have a significant impact on residential amenity or character of the area or negatively impact the proposed upgrades along the Old Hospital Road. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 14th day of December 2021, 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. (a) Prior to the commencement of development on site the developer shall submit a revised site layout plan relocating Screen Wall A along the northern boundary of the site, Screen Wall A shall be constructed on the northern boundary of the site with the adjoining existing dwelling with no gap between the two sites, details shall be submitted prior to the commencement of development for the written agreement of the Planning Authority. This wall shall be plastered on both sides.

(b) The inter-site boundaries forward of the front building line between Plot 2 and 3, Plot 3 & 4, Plot 5 & 6, Plot 6 & 7 shall be reduced to a maximum height of 1.2metres.

(c) The boundaries of Plot number 4 and 5 forward of the front building line adjoining the area labelled future access road shall be a maximum of 1.2 metres in height.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

3. (a) Prior to the commencement of development, the developer shall submit for written agreement of the Planning Authority a revised site layout plan providing an 11m setback minimum from the opposite side of the road at the development entrance (6.0m road & 3.0m cycleway/footpath & 2.0m widened footpath on opposite side of the road).

(b) Prior to the commencement of any development on site the developer shall submit for agreement in writing details and specifications for the prioritization of pedestrian/cyclists at the entrance to the Estate.

(c) Prior to the commencement of development, the developer shall submit for written agreement from the Planning Authority a revised site layout plan indicating public lighting installed along the footpath bounding the public road.

Reason: In the interest of vehicular & pedestrian safety, providing for sustainable modes of transport and the proper planning and sustainable development of the area.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the 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 residential amenities, public health and safety and environmental protection.

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

6. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 and to ensure the use of locally appropriate placenames for new residential areas.

8. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.

Reason: To ensure the timely provision of infrastructural works for the development.

10. (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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all 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 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 residential units, in which case the planning authority shall confirm in writing to the developer 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.

11. 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 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 the

land 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.

12. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

13. The landscaping scheme shown on drawing number PL03, as submitted to the planning authority on the 15th day of July 2021 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

14. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

15. 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.

16. 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. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

17. 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 interests of visual and [residential] amenity.

18. 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.

19. 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 local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local 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 Bord Pleanála for determination.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jennifer McQuaid
Planning Inspector

4th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-312822-22		
Proposed Development Summary	Construction of 7 no. detached dwellings and all ancillary site works.		
Development Address	Monang, Dungarvan, Co. Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No			
Yes	X	Class 10b(i) Construction of more than 500 dwelling units.	The proposal is for 7 no. dwellings and the subject site is within an urban area Proceed to Q.4

			measuring 0.747 hectares.	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-312822-22
Proposed Development Summary	The proposed development relates to 7 no. dwellings and associated works.
Development Address	Monang, Dungarvan, Co. Waterford.

The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development is for 7 no. dwellings within the settlement boundary of Dungarvan.</p> <p>The development will consist of typical construction and related activities and works.</p> <p>Surface water will be discharged to a proposed attenuation tank.</p> <p>Wastewater to be discharged to public sewer.</p> <p>Storm water will be directed to public storm water drainage system.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The development site measures 0.747 hectares. The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There are existing one-off detached dwellings adjacent to the site and a number of dwellings under construction opposite the proposed site, however, there is no real likelihood of significant cumulative effects with the existing and permitted projects in the area.</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The subject site is not located within any designated site. The nearest sites are:</p> <ul style="list-style-type: none"> • Dungarvan Harbour SPA (Site code 004032) is located approximately 50metres west of the subject site. • Dungarvan Harbour pNHA (Site code: 000663) is located approximately 50metres west of the subject site. • Glendine Wood SAC (site code 002324) is located approximately 2.6km northeast of the subject site. • Helvick Head to Ballyquin SPA (Site Code 004192), Helvick Head SAC (Site code 000665) and Helvick Head pNHA (site code 000665) are located approximately 7.5km south of the subject site. • Mid-Waterford Coast SPA (site code 004193) is located approximately 7.5km east of the subject site. • Blackwater River (Cord/Waterford) SAC (Site Code: 002170) is located approximately 9km northwest of the subject site. • Ballyvoyle Head to Tramore pNHA (Site code: 001693) is located approximately 7.5km east of the subject site. <p>My appropriate Assessment screening undertaken concludes that the proposed development</p>	<p>No</p>
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	<p>would not likely have a significant effect on any European Site.</p> <p>The subject site is located outside Flood Zones A and B for coastal or fluvial flooding.</p>	
Conclusion		
<p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)