



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313848-22

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<b>Development</b>	RETENTION of stone entrance and permission for change of use from commercial to residential of existing building.
<b>Location</b>	Knockateemore, Dungarvan, Co. Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	22254
<b>Applicant</b>	David Kiely
<b>Type of Application</b>	Retention Planning Permission & Planning Permission
<b>Planning Authority Decision</b>	Refuse Retention Planning Permission & Planning Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	David Kiely
<b>Observer</b>	John and Deirdre Collender
<b>Date of Site Inspection</b>	08 March 2024
<b>Inspector</b>	Sinéad O'Connor

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## 1.0 Site Location and Description

- 1.1. The site of 0.8181 hectares (ha) is located on the north side of the road, within 2 km of Dungarvan Town Centre. Existing development in the immediate vicinity comprises dispersed residential development and farm structures. The site immediately adjoins a single storey house and agricultural yard to the west.
- 1.2. The site is accessed from the road via a stone entranceway and accommodates a gravel driveway leading to a single storey stone-built building. Most of the site is under grass and the road frontage predominantly comprises dense hedgerow.

## 2.0 Proposed Development

- 2.1. The subject development comprises the retention of the existing entrance gate and planning permission for the change of use of the existing stone structure from agricultural (abattoir) to residential. The proposed 1 no. bedroom house would be 53.1 sq.m. in extent. It is proposed to close the existing windows and door at the western façade, and to provide additional and enlarged windows/doors at the northern and eastern facades. It is proposed to decommission the existing septic tank and to install a Waste Water Treatment Plant (WWTP) comprising a septic tank and percolation area. Potable Water is supplied from a private well.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 24 May 2022 Waterford City & County Council issued a notification of their decision to refuse retention planning permission for the development. 2 no. reasons for refusal were given as follows:

1. It is the policy of the planning authority to encourage development on serviced lands in towns and villages and to restrict development in the rural areas to cases of genuine local housing need. The proposed development is in an Area Under Urban Pressure and within the designated Green Belt surrounding Dungarvan as designated in the Waterford County Development Plan 2011-2017 (as extended and varied). From the information submitted the Planning Authority is not satisfied

that the proposal constitutes a Genuine Housing Need in accordance with Section 4.10 and it is considered the proposal is contrary to Policy SS3, SS4 & SS9 of the current county development plan. In the absence of a substantiated local housing need for a house at this location, the proposed development would conflict with the stated policies of the planning authority and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the existing outhouse on a shared boundary the Planning Authority considers the proposed development would result in an ad hoc pattern of development in a rural area and would constitute a substandard form of development by reason of its site layout and overall relationship with the adjoining property and would be seriously injurious to the residential amenity of same. The proposed development would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Report dated 20 May 2022 forms the basis of the P.A. decision. I note that the development was assessed with reference to the Waterford County Development Plan 2011-2017, as varied and extended, which has since been superseded. I consider that the following matters raised are of relevance.

- The site is located within a zoned Green Belt and an Area Under Urban Pressure in respect of rural housing policy.
- The applicant should confirm the locality of his family home and substantiate claims regarding being born and residing in the area. The applicant should confirm that Jane Kiely on the land registry for the site was his mother.
- The stone building is not of architectural merit and, therefore, the provisions of Section 7.6 of the Plan do not apply.
- The proposed change of use will not increase overshadowing or overbearing on the adjoining residents. The existing windows on the shared boundary are proposed to be closed.

- Removal of circa 50 metres of hedgerow is required to achieve sufficient sightlines looking eastwards.
- The development should connect to the existing public potable water infrastructure, located at the road, rather than drawing from a private well.
- The Case Officer recommended requesting Further Information in respect of substantiating rural housing need, connection to existing public water supply, and issues raised by Third Parties in respect of the boundary line. This recommendation was not accepted by the Senior Executive Officer and a decision to refuse permission was issued.

### 3.2.2. Other Technical Reports

None.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

1 no. observation was made in respect of the application. The key issues raised that are in addition to the Observation to the Appeal can be summarised as follows:

- Sightlines.
- Land ownership boundary impacts on proposal to enlarge north facing window.
- Lack of gutters on the western façade.
- Overlooking and loss of residential amenity.
- Noise impacts and anti-social behaviour from short letting.
- Wayleave required to access the western façade for maintenance works.
- Proposed percolation area is too close to the adjoining percolation area.

## 4.0 Planning History

There are no recent or relevant planning applications at the subject site. Relevant planning history for the property in the vicinity is summarised below:

- P.A. Ref. 9688: Planning permission was granted to John and Deirdre Collendar on 17 April 1996 for works to extend the cottage to the immediate west of the subject site.
- P.A. Ref. 23343: Planning permission granted to Helen Kiely on 13 February 2024 to demolish the existing dwelling and outhouse and to construct a part 1- and 2-storey replacement dwelling and ancillary works on lands to the east of the subject site.

## 5.0 Policy Context

### 5.1. Development Plan

The Waterford City & County Development Plan 2022-2028 is the relevant Statutory Plan. This Plan post-dates the P.A.'s assessment and decision. Policies and objectives of relevance to the proposal include the following:

- The subject is zoned HA High Amenity – To protect highly sensitive and scenic locations from inappropriate development that would adversely affect the environmental quality of the locations. 'Dwelling / Principal Private Residence' is Open for Consideration on zoned HA lands.
- Lands to the south of the site, on the opposite side of the road, are zoned CI - Community Infrastructure and CD -Light Industry/High Technology/ Manufacturing Campus Development.
- Table 6.1 'Water and Wastewater Capacity Assessment – Settlements in Waterford County (Source: Irish Water April 2022)' of Volume 1 indicates that there is sufficient capacity in the existing potable water system serving Dungarvan to cater for target population growth.
- Section 7.11.2 'Housing in the Open Countryside' of Volume 1 seeks to differentiate between rural areas within the commuter catchment of urban centres and areas outside of commuter catchments. Housing need will be assessed as follows:

- Those who have lived in a local rural area for 7 years of more and require a rural dwelling close to their families and communities.
- Local area is defined as within a 10km radius of the former place of residence.
- These provisions relate to those living in the rural area and returning emigrants.
- Section 7.11.5 'Housing in High Amenity Areas and on Approach Roads' of Volume 1 outlines that the Council will seek to maintain a clear delineation between urban and rural areas. Housing development will only be considered where the open character of the lands is maintained.
- Section 7.12 'Refurbishment, Extensions and Replacement of Existing Structures in Rural Areas' of Volume 1 encourages the reuse, refurbishment and upgrade of older vernacular rural dwellings and structures. Applicants under this section do not have to demonstrate local housing need. Applications to convert, re-use and adapt traditional buildings require the following:
  - The original walls must be substantially intact.
  - The size of any house extension takes account of the siting and size of the existing dwelling and that the character of the original structures is respected.
  - The design of the proposal does not erode the siting and design qualities of the building and its setting which makes it attractive in the first instance.
  - Mature landscape features are retained and enhanced with landscape proposals.
- Section 4.6 'Conversion of Outhouses' of Volume 2 states that where a sensitive renovation proposal is made in respect of an outhouse, rural housing need will not be required. Normal development standards are applicable.
- Section 8.6 'Sightline Requirements' of Volume 2 states that for local roads with a 80km per hr speed limit, sightlines of 55 metres will be required. Under Section 8.7 'Sightline Provisions' sightlines for single houses should be measured from a point 2.4 metres from the edge of the road.
- Section 8.9 'Hedgerow Protection' of Volume 2 states that where sightlines can only be achieved by removing roadside hedgerow/ditches/stone boundaries, a replacement boundary comprised of native species will be required.

Relevant Policies and Objectives include the following:



- Policy H 28: We will facilitate the provision of single housing in the countryside, in rural areas under urban influence, based on the core consideration of demonstrable economic, social or local need to live in a rural area, as well as general siting and design criteria as set out in this plan and in relevant statutory planning guidelines, having regard to the viability of smaller towns and rural settlements.
- Policy H 30: On lands zoned High Amenity and along the approach roads to settlements we will:
  - Discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/ rural character of the area; and,
  - Provide for uses such as agriculture and forestry, sport and recreation and essential public services installations.

We will facilitate development proposals by existing landowners with a genuine demonstrable economic, social or local need for a first home for their own permanent occupation, subject to consideration of available alternatives and sequential testing, as well as general siting and design criteria as set out in this plan and in relevant statutory planning guidelines.

- Policy H 31: We encourage the retention and sympathetic refurbishment, with adaptation as necessary, of vernacular dwellings and structures in the countryside. In addition:
  - There will be a presumption against demolition where restoration or adaptation is feasible.
  - Proposals for the conversion to full-time residential use of a premises which has not been previously occupied as a dwelling must demonstrate that they can be independently accessed and serviced independent of any third party.
- Development Management DM 48 seeks to protect the integrity of hedgerows and requires the replanting of hedgerows with native species on earthen embankments.

## 5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

Section 2.10 'Rural Areas' and Section 7.11.2 'Housing in the Open Countryside' of the Development Plan refer to the Sustainable Rural housing Guidelines for Planning

Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005. The following provisions are relevant in this instance:

- The Guidelines require Planning Authorities, in their Development Plans, to identify the location and extent of rural area types including rural areas under strong urban influence, stronger rural areas, structurally weaker rural areas and areas with clustered settlement patterns. Further to this, different development objectives are required for each rural area type.
- The Guidelines place emphasis on meeting the housing needs of persons with roots or links to rural areas within those areas, subject to siting and design considerations.
- Appendix 4 of the Guidelines recommends against ribbon development for reasons of road safety, demands for public infrastructure and visual impacts. The example for ribbon development given in these Guidelines is the provision of 5 or more houses on one side of a given 250 metres of road frontage.

### **5.3. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).**

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) post-dates the adoption of the Development Plan. Relevant provisions of the Compact Settlements Guidelines include the following:

- Section 5.3 facilitates innovation and a flexible approach to the application of design standards, particularly in respect of separation distances, open space provision, and car and bike parking.
- SPPR 1 – Separation Distances: A separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Reduced separation distances can be provided where there are no opposing windows and where privacy measures are designed in.
- SPPR 2 – Minimum Private Open Space Standards for Houses: 1-bed houses require 20 sq.m. of private open space.Reductions are facilitated where high quality semi-private open space is provided, at a rate of up to 50% of the open space requirement.

#### **5.4. Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities**

The Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) pre-dates the Development Plan. Section 3.4.2 of Volume 2 of the Development Plan states that regard should be had for these guidelines.

#### **5.5. Natural Heritage Designations**

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. At its closest point the site is circa 600 metres to the northeast of the Dungarvan Harbour Special Protection Area (SPA) (Site Code 004032) and proposed Natural Heritage Area (pNHA) (Site Code 000663). The site is 2 km to the southwest of the Glendine Wood Special Area of Conservation (SAC) (Site Code 002324). The Helvick Head SAC and pNHA (Site Code 000665) and the Helvick Head to Ballyquin SPA (Site Code 004192) are located circa 7.5 km to the south of the site.

#### **5.6. EIA Screening**

See completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA determination, therefore, is not required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

A First Party Appeal against the P.A. decision was lodged on 17 June 2022. The Appeal is accompanied by Drawing No. JM/DK-DWG1 'Site Layout', Drawing No. JM/DK-DWG1A 'Site Layout & Entrance for Retention', and Drawing No. JM/DK-DWG2-Rev1 'Floor Plan, Elevations & Cross Section', which appear identical to the drawings submitted to the P.A.. The substantive planning issues have been summarised below as follows:

- The Applicant meets the criteria for rural housing need on the basis that he is the son of a farm owner hoping to build a permanent home on the family lands.
- To substantiate this claim, the Appeal statement contains the Birth Certificates belonging to the Applicant's Father, Mother and himself. A Rates Receipt dated 1978 from Dungarvan Urban District Court indicates that the Applicant's father was operating a business from Knockateemore at this time.
- The Application meets the rural housing need criteria as a person who lived a substantial portion of their lives in a rural location and wish to return to their homes places to retire near family members.
- To substantiate this claim, the Appeal statement contains letters from the local primary and secondary schools confirming his attendance. Letters from J.F. Williams & Co. Solicitors and the local football club state that the Applicant has close family ties to the area and continues to be active in the community.
- Picture 1. of the Appeal submission shows the locations of the homes belonging to the Applicant's brother, uncle and cousins relative to the subject site.
- The existing structure is of architectural merit owing to the hand-cut corner stone and the original timber roof beams. These features will be maintained.
- The subject development does not constitute urban generated housing development.
- The Applicant meets the criteria for the provision of residential development in a zoned green belt owing to the proximity of his family's homes and his long-term ownership of the site.
- Reference is made to planning precedent for similar repurposing of existing farm structures and outbuildings under P.A. Ref. 14/122, P.A. Ref. 01/1306, and P.A. Ref. 20/575, ABP Ref. 308606-20. I
- The works are sympathetic to the fabric of the building, and only minor external works are proposed.
- Safe site access and suitable wastewater treatment is provided.
- Issues raised in respect of the ownership boundaries are irrelevant to the appeal.

- Works to the northern window could be omitted and an east facing skylight provided instead.
- The location of the private well is indicated on the submitted drawings. The dwelling could connect to the public water supply.
- It is proposed to permanently block the 3 no. windows and 1 no. door on the western façade, to protect the privacy of the adjoining property.
- Rainwater goods could be provided at the structure by condition.
- A wayleave is not required to undertake maintenance works at the western façade of the building. Once the existing openings are closed, the Applicant will have no necessity to enter the adjoining property.
- Examples provided for semi-detached housing in the locality.
- The proposed dwelling would not be used for short-term letting. The Applicant is open to a condition to this effect.
- The minimum separation distances required between WWTP are facilitated.

## 6.2. Observations

1 no. observation to the Appeal was lodged by John and Deirdre Collender on 07 July 2022. The key issues raised are summarised below:

- Dispute claim that the First Party lived in his uncle's house on a permanent or semi-permanent basis.
- The building is not of architectural merit and should remain as an outbuilding.
- Private Well is not clearly illustrated. Existing borehole is not a private well.
- There is no existing connection to the public water supply.
- The Applicant has no right to trespass on the Observers land to undertake works.
- An Bord Pleanála may not impose a condition requiring works on the Observers land.
- Land ownership boundaries as per the Observers registry map. Issues should have been resolved prior to the lodging of a planning application.

- The First Party left the area over 35 years ago, and the family properties were sold. The First Party had previously sold a property in an adjoining townland.
- A dwelling should be located elsewhere on the landholding.

## 7.0 **Assessment**

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

- Procedural
- Rural Residential Development
- Residential Amenity
- Water Services
- Access

### 7.1. **Procedural**

- 7.1.1. The Observers to the Appeal raised procedural matters with respect to the site boundary delineated in the application drawings. Land Folio information submitted to the P.A. by the Applicant on 31 March 2022 shows the site boundary between the First Party and the Observers' properties as a straight line from the western side of the structure. The Observers submitted a Land Registry Map to the P.A. on 19 April 2022 showing the boundary at the centre of the northern façade. I wish to highlight that, as per Section 34 (13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission under this section to carry out any development.
- 7.1.2. At the time of the site visit there was a metal fence at the western boundary that ran from the centre of the northern façade of the subject structure to the existing grassed embankment. I note that the Appeal Statement suggests that proposed works to the window on the northern elevation could be omitted and replaced with the rooflight on the eastern side, and that the boundary issue could be agreed between the parties at a later

date. Given the lack of clarity in respect of the location of the site boundary, I consider that the Appellants' suggestion is reasonable in this instance.

## **7.2. Rural Residential Development**

- 7.2.1. The proposed development comprises the change of use of a single storey stone-built former abattoir to use as a 1-bedroom house. It is not proposed to extend the existing structure, and I note that proposed interventions to the existing facades are minimal. At the time of the site visit the structure was in good condition, and the walls and roof were fully intact.
- 7.2.2. The site is located in a zoned High Amenity Area, where residential development is Open for Consideration subject to maintaining the open and scenic character of the area. With reference to Policy H 30 of the Development Plan, I note that the subject development comprises the change of use of an existing structure that already forms part of the rural landscape character. It is not proposed to extend the structure or erect any other structures on the site therefore, it is my opinion that the open character of the site will be maintained. As per the submitted documentation, the Applicant is the existing landowner of the site, having inherited the lands from his mother. Drawing from the above, I consider that the proposed development is acceptable in principle in this Zoned High Amenity area.
- 7.2.3. Owing to its simple form, stone-built construction, and good condition, I consider that the former abattoir is a good example of a vernacular rural structure. The Development Plan seeks to retain and refurbish rural vernacular structures, which I consider appropriate in this instance. With reference to Section 7.12 of Volume 1 of the Plan, I note that the original walls of the structure are fully intact, and the works are sympathetic in retaining the external character of the structure. As is discussed in Section 7.2.2 of this report, no significant works are proposed outside of the footprint of the structure and the open character of the site will be retained. As per Policy H 31, the site is independently accessed and serviced. In accordance with Section 4.6 of Volume 2, I consider that the proposed dwelling meets and exceeds the relevant design standards for permanent dwellings, as is discussed further in Section 7.3 of this report. In this way, I consider that the proposed development meets the requirements of the Development Plan for adaptation and makes sustainable use of a rural vernacular structure.

- 7.2.4. In respect of rural/local housing need, I note that development under Section 7.12 of Volume 1 and Section 4.6 of Volume 2 of the Plan are not subject to standard rural housing need criteria. In this way, I do not consider it necessary in this instance to assess the submitted documentation with reference to the Housing Need criteria listed in Section 7.11.2 of the Plan or to recommend that an occupancy condition be attached to any grant of planning permission.
- 7.2.5. Drawing from the above, it is my opinion that the proposed development constitutes a sympathetic adaptation of a rural vernacular building. I consider that the works to reuse the structure to provide a dwelling are acceptable in this instance.

### **7.3. Residential Amenity**

- 7.3.1. The proposed development comprises the change of use of a stone-built farm structure to residential use and the retention of a residential entrance. It is proposed to provide a 1-bedroom dwelling with a combined living/kitchen area within the envelope of the existing structure. The structure is located at the western boundary of the site, immediately adjoining the Observer's property and within 2 metres of the Observer's dwelling.
- 7.3.2. The proposed dwelling, as shown in submitted Drawing No. JM/DK-DWG2-Rev1 'Floor Plan, Elevations & Cross Section' meets and exceeds the minimum internal dimensions set out in the Quality Housing for Sustainable Communities Guidelines (2007). I note that the openings on the western elevation are to be closed however, I consider that the internal spaces will be sufficiently sunlit by the existing and proposed windows on the northern, southern and eastern façades. The dwelling will have an expansive private garden (circa 8,100 sq.m.), which easily exceeds the requirements of SPPR 1 of the Compact Settlements Guidelines. Drawing from the above, I consider that the proposed development would be of sufficient residential amenity for permanent residents.
- 7.3.3. In respect of residential impacts on the adjoining dwelling to the west, I note that the proposed development does not increase the height or footprint of the existing structure. In this way, I do not consider that significant negative visual impacts arise. From the drawings submitted, I note that the stone walls of the existing structure are in the region of 0.5 metres wide and will be circa 0.7 metres wide when internal works are completed. I consider that the depth of these walls in combination with the lack of windows on the



western façade and the 2-metre separation to the adjoining dwelling will prevent significant negative noise impacts at the adjoining property.

- 7.3.4. The submitted documentation does not include details of proposed boundary treatments at the site. At the time of the site visit, the shared boundary to the front of the subject structure and the adjoining dwelling was defined by a stone and block-built walls. The site boundary to the rear of the structure comprises a metal fence and a grassed embankment with timber post and wire fencing. The north, east and southern boundaries predominantly comprise hedgerow. I note that the metal fence to the rear of the structure is the subject of a boundary dispute, as discussed in Section 7.1 of this report, and it is my understanding that the existing fence is owned by the Third Party. On this basis, no modification to this part of the western boundary is recommended. It is my opinion that a hedgerow comprising native species should be planted on the existing embankment at the western boundary, to reinforce this boundary in a manner appropriate for the rural setting. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to this effect.
- 7.3.5. The northern façade of the existing structure has a high-level window opening, which is proposed to be enlarged. I note that the boundary dispute, as discussed in Section 7.1 of this report, impacts upon the feasibility of this window. The existing metal fence and the boundary described by the Observer transects the proposed enlarged window. To address this issue, the Appeal Statement suggests that the works to the northern window are omitted and that a skylight is provided on the eastern side of the roof. I consider that this suggestion is acceptable. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to omit the works to the northern window and to require the provision of a skylight on the eastern side of the roof.
- 7.3.6. Drawing from the above, I consider that the proposed development provides sufficient residential amenity for future residents and will not significantly impact on adjoining residential amenities. In this way, I consider that the proposed change of use from agricultural building to residential dwelling is acceptable.

#### 7.4. **Water Services**

- 7.4.1. It is proposed to decommission the existing septic tank at the site and to install a WWTP as there is currently no Uisce Éireann foul water infrastructure available locally. The

proposed WWTP is located to the north of the structure and comprises a septic tank and percolation area. It is proposed to draw potable water from a private well at the site however, the submitted documentation indicates that there is public water infrastructure available. At the time of the site visit, I noted that the ground appeared well drained.

- 7.4.2. The Site Characterisation Form submitted to the P.A. 31 March 2022 indicates that site conditions are suitable for the adequate treatment of wastewater, and I note that the P.A. raised no concerns in respect of the site suitability. It is stated that the minimum separation distances specified in the Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )' (2021) (EPA CoP) are met.
- 7.4.3. The Appeal statement refers to the separation distance between the proposed WWTP and the existing WWTP serving the adjoining dwelling to the west. Table 6.2 'Minimum separation distances from the entire DWWTS' of the EPA CoP requires a minimum 10-metre separation from adjacent WWTP structures. Drawing No. JM/DK-DWG1 'Site Layout' illustrates that the proposed WWTP is 6.94 metres from the shared boundary to the west, at its closest point. The submitted documentation does not show the location of the adjoining WWTP and I note that the Appeal Statement refers to this adjoining WWTP being in excess of 3-metres from the shared boundary.
- 7.4.4. I do not consider that sufficient information has been submitted to demonstrate that the minimum 10-metre separation to the adjoining WWTP is achieved. I note that the Applicant's landholding is sufficiently large to provide the minimum 10-metre separation wholly within the site. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require the relocation of the proposed WWTP at least 10 metres from the western site boundary.
- 7.4.5. In respect of potable water, I note that the submitted drawings indicate the location of a private well proximate to the southern boundary of the site. The 'Site Servicing' section of the P.A. report states that there is a public water supply at the road adjoining the subject site. The P.A. report does not state whether there is capacity in this system to serve the proposed dwelling and no submission was made by Uisce Eireann. I note that Table 6.1 of Volume 1 of the Plan states that there is capacity available in the potable water system serving Dungarvan, and that works are underway to increase the capacity of same. In the interest of public health and sustainability, I consider that the proposed dwelling should

connect to the existing potable water infrastructure subject to the confirmation of capacity and a connection agreement with Uisce Eireann. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require the dwelling to connect to the existing public water supply, if feasible.

- 7.4.6. Concerns have been raised by the First and Third Parties in respect of gutters and rainwater goods serving the existing structure. I note that the existing structure does not have rainwater goods and Drawing No. JM/DK-DWG2-Rev1 'Floor Plan, Elevations & Cross Section' does not show proposed rainwater goods at the dwelling. I note that gutters provided on the western elevation may over sail the Observers' property to the west of the subject site, and at the time of writing no agreement was in place to facilitate these or any other works. I note that the proposed change of use occurs within the existing built envelope of the structure, therefore, the expanse of the existing roof will not be amended. In this way, the proposed development would not increase the volume of water running off the subject structure into the Applicants' or the Observers' lands. At the time of the site visit the lands of the subject site appeared well drained, which indicates that the existing surface run-off is being drained effectively. Drawing from the above, I do not consider it necessary that guttering is provided at the subject structure.
- 7.4.7. Drawing from the above, I consider that the subject site can be serviced without being prejudicial to public health or the surrounding environment.

## 7.5. Access

- 7.5.1. The subject development includes the retention of an existing gated residential entrance with pillars and wing walls. It is proposed to remove circa 45 metres of hedgerow to achieve suitable sightlines onto the local road.
- 7.5.2. From Aerial Images, I note that there had been an agricultural entrance at the location of the existing residential entrance. I consider that the existing residential entrance is wider and has taller pillars than the previous agricultural entrance however, the design of the existing entrance is similar to development in the locality. It is my opinion that the design of the existing entrance is generally appropriate at this location and does not impact negatively on the visual amenity of the area.
- 7.5.3. As per submitted Drawing JM/DK-DWG1 'Site Layout', 55-metre sight lines are provided onto the local road, as measured from a point 2.4-metres back from the road edge. With

reference to Table 8.1 of the Development Plan, I consider that the design of the existing entrance gate is acceptable. With reference to Section 8.9 and DM 48 of the Development Plan, I consider that the hedgerow being removed should be replaced within the site with a hedgerow comprised of native species. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached requiring the replanting of native hedgerow.

7.5.4. Drawing from the above, I consider that the existing entrance and the proposed works to facilitate sightlines are appropriate at this location. I recommend that retention planning permission and planning permission be granted on this basis.

## 8.0 Appropriate Assessment Screening

8.1. The nearest designated sites to the subject site are the Dungarvan Harbour SPA (Site Code 004032) that is circa 600 metres to the south of the site, and the Glendine Wood SAC (Site Code 002324) that is 2km to the northeast of the site. The Helvick Head SAC (Site Code 000665) and the Helvick Head to Ballyquin SPA (Site Code 004192) are circa 7.5 km to the south.

8.2. Owing to the small size of the subject development, the distance of the site from the Glendine Wood SAC, the Helvick Head SAC and the Helvick Head to Ballyquin SPA, and lack of direct hydrological or over-land connections, I consider that these sites can be screened out from further assessment. The Qualifying Interests and conservation objectives for the Dungarvan Harbour SPA are set out below.

Natura 2000	Site Code	Qualifying Interests	Conservation Objectives
Dungarvan Harbour SPA	004032	Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Red-breasted Merganser (Mergus serrator) [A069]	To maintain and restore the favourable conservation condition of QI habitats and species in

		Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Wetland and Waterbirds [A999]	Dungarvan Harbour SPA
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- 8.3. During the site inspection I did not see any evidence of waterbodies/courses at the subject site and the EPA mapping does not show any waterbodies within or immediately adjoining the site. The subject site is separated from the Dungarvan Harbour SPA by urban and rural development, and there are no direct hydrological connections between these sites and the subject site. The submitted Site Suitability Report indicates that there is good drainage and treatment characteristics at the site. In this way, there are no direct source receptor pathways between the subject site and any designated areas.
- 8.4. The subject development does not include any significant increase in hard surfaces and, therefore, direct habitat loss or ex-situ disturbance of QIs (habitats and species) would not occur at the site. Given the size and nature of the proposal, I consider that likely significant ex-situ effects on QIs (habitats and species) will not occur.
- 8.5. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a

significant effect on the Dungarvan Harbour SPA or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

- 8.6. This determination is based on the following: the lack of hydrological connections to the designated sites, site drainage and treatment characteristics, the modest size of the development, and the existing pattern of development in the area.

## 9.0 Recommendation

- 9.1. I recommend that retention planning permission and planning permission be granted.

## 10.0 Reasons and Considerations

Having regard to the policies and objectives of the Waterford City & County Development Plan 2022-2028, in particular Section 7.12 and Policy H 31 of Vol 1 and Section 4.6 of Vol 2, the sympathetic reuse of this rural vernacular building and the open character of the site, I consider 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, would not create a traffic hazard 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.

## 11.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The subject development shall be amended as follows:</p> <ul style="list-style-type: none"> <li>a) Works to enlarge the existing window on the northern façade of the structure shall be omitted.</li> <li>b) A skylight shall be provided on the eastern side of the roof to ensure that the kitchen/living area is sufficiently sunlit.</li> <li>c) Native hedgerow shall be planted on the full extent of the existing earthen embankment at the western site boundary.</li> <li>d) Hedgerow to be removed at the road frontage shall be replaced by hedgerow comprising native species.</li> <li>e) The WWTP shall be relocated so that all parts of the septic tank and percolation area are in excess of 10-metres from the western site boundary.</li> </ul> <p>Prior to the commencement of development, details of the above shall be agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of residential amenity and public health.</p>
3.	<p>Subject to a water connection agreement with Uisce Eireann, the development shall connect to the existing potable water infrastructure.</p> <p>Where there is insufficient capacity in the public system to cater for the development, the dwelling shall be served by a private well until such time as public water infrastructure becomes available.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>(a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p>

	<p>(b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>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.</p>



	<b>Reason:</b> 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.
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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.

*Sinéad O'Connor*

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Sinéad O'Connor  
Planning Inspector

13 March 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-313848-22		
<b>Proposed Development Summary</b>	Retention of stone entrance and permission for change of use from commercial to residential of existing building.		
<b>Development Address</b>	Knockateemore, Dungarvan, Co. Waterford.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>	No further action required	
<b>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?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		N/A	<b>Conclusion</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>	X	10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units.	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Sinead O'Connell

Date: 11 March 2024

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-313848-22	
<b>Proposed Development Summary</b>	Retention of stone entrance and permission for change of use from commercial to residential of existing building.	
<b>Development Address</b>	Knockateemore, Dungarvan, Co. Waterford.	
<b>The Board carries 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.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>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 subject site is within a rural area that accommodates similar rural residential development. In this way, the existing dwelling is not exceptional in the context of the existing environment.</p> <p>Due to the limited scale of the development, I do not consider that the operation of the proposal would result in any significant waste, emissions or pollutants.</p>	<b>No</b>
<p><b>Size of the Development</b></p> <p>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</p>	<p>The existing entrance gate and subject structure are modest in scale with reference to existing dwellings in the vicinity.</p> <p>Owing to its limited size and the findings of the Site Characterisation Report, I do not consider that there are significant cumulative considerations having regard to existing and/or permitted projects.</p>	<b>No</b>

and/or permitted projects?		
<p><b>Location of the Development</b></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?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The subject site is not located within, or immediately adjoining, any designated ecological site (ie. SAC, SPA or pNHA). The nearest designated site is the Dungarvan Harbour SPA (Site Code 004032), which is circa 600 metres to the south of the site.</p> <p>Owing to the separation distance between the subject site and any designated sites, I do not consider that the proposed development would have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<b>No</b>
<b>Conclusion</b>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p> <p><b>X</b></p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p>EIAR required.</p>

Inspector: Sinead O'Ginn

Date: 11 March 2024