



An
Bord
Pleanála

Inspector's Report ABP-320888-24

Development	Construction of a dwelling and all ancillary site works
Location	Lissarow, Ardmore, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	24154
Applicant(s)	Cyril Flavin
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission test
Type of Appeal	First Party v Decision
Appellant(s)	Cyril Flavin
Observer(s)	None
Date of Site Inspection	20 th June 2025
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The site is in Lissarow, Ardmore, Co. Waterford. It comprises part of an agricultural field. The site fronts onto the R673 regional road. There are 2 no. vehicular accesses into the site from the R673. The roadside boundary comprises a hedge.
- 1.1.2. There is a dwelling to the north. Agricultural land extends to the west and south. There are agricultural lands across the R673 to the east. Opposite the site, an unnamed local road meets the R673 at a 'Y' junction; it is a dead-end road serving approximately 8 no. dwellings, a farm, and agricultural land.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the construction of a detached dwelling. The proposed works include alterations to an existing agricultural field accesses to serve the dwelling, and closure of a second existing field access, both onto the R673.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford City and County Council issued a notification to refuse permission for 1 no. reason, summarised as follows:
 - Reason 1: *“The applicant has proposed intensification of access onto a Strategic Regional Road at a point where there is a solid white line, a public road junction to the immediate south and the required sightlines and forward stopping distances have not been provided / cannot be achieved. The proposed development and resultant traffic movements would represent a risk to both the future residents of the dwelling as well as other road users. The proposal would undermine the safety and carrying capacity of this Regional Road (R673) and as such be contrary to Policies Trans 44 and Trans 45 of the Waterford City and County Development Plan 2022 – 2028. The proposal would therefore set an undesirable precedent and be contrary to the proper planning and sustainable development of the area”.*

3.2. Planning Authority Reports

3.2.1. Planning report: The report recommended refusal. I note the following points:

- Submissions: Report stated no submissions were received but a representation from Senator John Cummins was received;
- Local Needs: Report stated it appears the applicant can satisfy local need;
- Design/Siting: Proposal will not negatively impact visual / residential amenity;
- Roads: Report stated the District Engineer & Senior Engineer in Roads Section confirmed there were no recent discussion on the proposal. Report stated 160m sightlines are required and availability of same was not demonstrated. Report stated District Engineer considers such sightlines may not be achievable. Entrance is in similar position to 2022 application and the same concerns apply;
- Sightlines: Applicant indicates a 160m sightline to the nearside road edge to the north. A dimension of 160m is shown to the south but the sightline is not provided/properly indicated. The submitted drawing indicates 55m sightlines in both directions but this does not comply with regional road requirements;
- Access: Report stated proposal includes creation of a new residential access and closure of 2 no. existing agricultural accesses. Applicant presents this as a planning gain. Points made by the applicant do not address previous concerns raised. Report stated application proposed to provide a new access, but the layout does not show through access to the agricultural lands;
- Report stated the District Engineer previously raised concern regarding sightlines; the distance to the junction to the south on the opposing site of the road; and proposed turning movements necessitated by the development at this location on a Strategic Regional Road where there is a continuous white line. Report stated the District Engineer considers the development represents a traffic hazard; this opinion has been maintained by District Engineer having regard to the current application; and there is a further note of support in this regard from the Senior Roads Section Engineer;
- Servicing: Site appears suitable for proposed septic tank & percolation area.

Other Technical Reports

3.2.2. Roads: No report.

3.2.3. Sanitary Services: No report.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. The Planning Authority Planner Report stated no submissions were received on the application, and that one representation from an elected representative was received. The Planning Authority public record shows no submissions or observations recorded. The Board file refers to 'private documentation' received. I consider there is a lack of clarity as to the nature of correspondence received by the Planning Authority in the course of the application. The Board may be minded to seek submissions in this regard from the Planning Authority. For clarity, I have reviewed all documentation on the case file including letters from Senator John Cummins and James & Mary Flavin.

4.0 **Planning History**

4.1. **Subject site**

4.1.1. I set out below details of historical decision on the available public record due to the nature of the refusal reasons and their commonalities with the subject case:

4.1.2. Reg. Ref. 22844: Planning application by Cyril Flavin to construct a single storey dwelling, garage, wastewater treatment system, percolation area, widen and splay existing entrance and all ancillary site works refused by the Planning Authority in 2022 for 1 no. reason. The reason was that the development and resultant traffic movements would represent a risk to road users, and the proposal would undermine the safety and carrying capacity of this Regional Road (R673) and as such be contrary to Policies Trans 44 and Trans 45 of the Waterford City and County Development Plan 2022 – 2028.

- 4.1.3. Reg. Ref. 18813: Outline planning application by Cyril Flavin for a single storey dwelling, garage, septic tank, percolation area, widening of the existing agricultural field entrance, & ancillary works refused by the Planning Authority in 2019 for 1 no. reason. The reason was that the development would be contrary to Section 10.2 of the Development Management Standards, 'Regional Roads', of the Waterford County Development Plan 2011-2017 which states that no new development, which would require direct access onto a regional road will be permitted except where the developer is the owner of a landholding, of a minimum extent of 15 acres, and that to allow additional residential entrances contrary to the Development Plan would reduce safety and carrying capacity of this Regional Route thus resulting in a potential traffic hazard.
- 4.1.4. Reg. Ref. 18311: Planning application by Cyril Flavin for a single storey dwelling, garage, septic tank, percolation area, widening of the existing agricultural field entrance, & ancillary works refused by the Planning Authority in 2018 for 1 no. reason. The reason was that the development would be contrary to Section 10.2.2 'Regional Routes' of the 2011-2017 Waterford County Development Plan which states that no new development, which would require direct access onto a regional road will be permitted except where the developer is the owner of a landholding, of a minimum extent of 15 acres, and that to allow additional residential entrances contrary to the Development Plan would reduce safety and carrying capacity of this Regional Route thus resulting in a potential traffic hazard.
- 4.1.5. Reg. Ref. 16775: Planning application by C. Flavin for a dormer style dwelling house, garage, entrance, septic tank, percolation area and ancillary works refused by the Planning Authority in 2017 for 2 no. reasons. The reasons were that (1) the development would be contrary to Section 10.2.2 'Regional Routes' of the 2011-2017 Waterford County Development Plan which states that no new development, which would require direct access onto a regional route will be permitted except where the developer is the owner of a landholding of a minimum extent of 15 acres, and (2) on grounds of the design and elevated position the proposal would erode the rural character and detract seriously from the visual amenity of the area.
- 4.1.6. Reg. Ref. 16348: Planning application by C. Flavin for a dormer style dwelling house, garage, entrance, septic tank, percolation area and ancillary works refused by the Planning Authority in 2016 for 2 no. reasons. The reasons were that (1) the

development would be contrary to Section 10.2.2 'Regional Routes' of the 2011 - 2017 Waterford County Development Plan which states that no new development, which would require direct access onto a regional route will be permitted except where the developer is the owner of a landholding, of a minimum extent of 15 acre, and (2) that the design and elevated position the proposal would erode the rural character and detract seriously from the visual amenity of the area.

- 4.1.7. Reg. Ref. 051163: Planning application by Serena Fleming for a storey and a half dwelling, garage, septic tank, percolation area & entrance refused by the Planning Authority in 2005 for 2 no. reasons. The reasons were that: (1) the development would be contrary to Section 9.2F of the 2005 County Development Plan which states that no new development, which would require direct access onto a regional route will be permitted except where the developer is the owner of a landholding, of a minimum extent of 15 acres, and (2) that the design, height and bulk the proposal would be out of character with adjacent dwellings and would detract from the visual amenity of the area.

4.2. **Nearby sites:**

- 4.2.1. None.

5.0 **Policy Context**

5.1. **National guidelines and strategies**

Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) DN-GEO-03060, Transport Infrastructure Ireland, 2023, including Section 5.2.2 'Horizontal Alignment'.

National Biodiversity Action Plan 2023, including its Objectives and Targets.

Spatial Planning and National Road Guidelines for Planning Authorities 2012, Section 1.6 'Regional and Local Roads'.

5.2. Development Plan

- 5.2.1. The site is within the rural area within a rural area under strong urban influence in the Waterford City and County Development Plan 2022-2028.

Waterford City & County Development Plan 2022-2028 Volume 1

Policy H28 'New Homes in the Open Countryside Policy Objectives'.

Section 5.10 'Regional and Local Roads / Urban Streets' incl. Table 5.6 'Strategic Regional Roads'.

Policy Objective Trans 44 states: *"We will maintain and protect the carrying capacity and associated drainage systems of regional and local roads and associated junctions in the interest of road safety in accordance with the Spatial Planning and National Roads Guidelines (2012) or any update thereof"*

Policy Objective Trans 45 states: *"Protect strategic regional roads listed in Table 5.6 against development where a maximum speed limit applies, except in exceptional circumstances, in order to protect the carrying capacity and safety of such roads.*

On these and other regional roads we will resist the creation of new vehicular accesses where the maximum speed limit applies, except in the following exceptional circumstances:

- *Developments of a strategic, local, regional or national importance, where there is a significant gain to the county through employment creation or other economic benefit having regard to: the safety, capacity and efficient operation of the regional road; any plans for future upgrades of the road; and the suitability of the location compared to alternative locations.*
- *Where applicants who establish a genuine rural housing need (Chapter 7), are proposing to build a home on their landholding and cannot provide access onto a nearby county (Local) road. In this instance, applicants will be required to maximise the potential of existing entrances. The onus will be on the applicant(s) to demonstrate that there are no other accesses or suitable alternative sites within the overall landholding.*
- *Where it is proposed to replace an existing dwelling with a pre-existing entrance onto a regional road provided that the entrance can achieve the*

minimum sightline requirements or significantly enhance the safety of road users and does not constitute a hazard.

- *Agricultural entrances required for farm access where there are no available alternatives from a local road and providing that the entrance can meet the minimum sightlines requirements or significantly enhance the safety of road users and does not constitute a hazard.*
- *Development which utilises existing farmyard/farmhouse access points to regional roads where the safety of all road users can be protected and enhanced and which would not result in a significant traffic hazard.*

In all circumstances proposed development should not cause drainage issues by allowing additional water onto the public road, or impact on the drainage of the location.”

Waterford City & County Development Plan 2022-2028 Volume 2

Section 8.5 ‘Road Safety Audit & Traffic Impact Assessment’ states: *“The Council shall require Road Safety Audits for development requiring the provision of a new vehicular access, or the alteration of an existing vehicular access point, onto a National Primary and National Secondary Route. Exemptions for the carrying out of Road Safety Audits for development requiring for single house developments may be made where Transport Infrastructure Ireland deem it unnecessary. A road safety audit may also be required for development with access onto non- national routes where the council deems it necessary. The current standard with regard to the submission of a Road Safety Audit is the National Road Authority publication DMRB HD19/09.”*

Section 8.6 ‘Sightline Requirements’, Table 8.1 ‘Minimum Sightline Requirements’, Section 8.7 ‘Sightline Provisions’. Section 8.6 states: *“Waterford City & County Council will require that all new developments proposing a new entrance or a significantly intensified existing access point onto the public road network shall comply with the relevant TII Publications/DMURS Guidelines. Listed in the Table 8.1 below are the general minimum sightline requirements the Council will require to be provided: ...”*

5.3. Natural Heritage Designations

- 5.3.1. Helvick Head to Ballyquin SPA is approx. 1.2km south-east; Ardmore Head SAC is approx. 3.6km south; and Blackwater River SAC is approx. 3.6km north.

6.0 Environmental Impact Assessment screening

- 6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 & 2 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Third-Party Appeal

- 7.1.1. A detailed third-party appeal was received, from Mr. Cyril Flavin of Clarkestown, Ardmore, Co. Waterford, the main points of which are summarised as follows:
- Appeal refers to previous refusals on the site and states appellant resolved each refusal reason. Subsequent to 18/813, in which all previous reasons for refusal had been addressed, a new County Development Plan was adopted, and Planning Authority subsequently refused application 22/844 on the basis of a new/amended refusal reason which was not previously used, notwithstanding that very similar provisions to the policies now being used as reasons to refuse were in the previous Development Plan (2011-2017) at Section 7.22 'Regional Routes', Policy INF3 and Section 10.2.2 Regional Road. The most recent refusal reason is similar to that of Ref. 22/844;
 - Proposal does not intensify an access; other houses on the road were not refused where there was as solid white line; there is no rule for refusal adjacent a white line; there is no required separation distance to a public road junction; the road is straight and sightlines can be met;

- Development Plan Table 8.1 identifies on category B roads to which an 80kmh speed limit applies the minimum sight distance is 160m. The existing access is to be widened and can provide sightlines of 160m in both directions;
- In further support of this, Transport Infrastructure Guidance (TII Guidance DN-GEO-03060 May 2023) highlights that provision of a new access on a regional road may be reduced to within 50m of a junction as a relaxation;
- The second existing agricultural access is to be closed off, which is not an insignificant planning gain. This can be achieved by condition. The appeal states the entrance to be closed is closer to the bend on the R673 and to an awkward junction where sightlines are compromised. The existing farm access is proposed for the dwelling entrance. Appeal states that in application 18/813 Transport Infrastructure Ireland made a submission which post-dated the Council decision and stated TII had no observation to make;
- Appeal states that with reference to the Spatial Planning and National Roads Guidelines 2012, in relation to regional roads identified as being of strategic importance, a less restrictive approach may be adopted in exceptional circumstances which Trans 45 outlines;
- Appeal states that in compliance with Trans 45 the proposal uses an existing entrance not a new entrance and addresses previous refusal reasons (22/844). In that case the Road Department referred to the existing farm entrance as a proposed access; the existing entrance is not new but will be upgraded;
- Both existing accesses are used by farm vehicles without incident. The distance from the subject access to the junction is approximately 74m;
- Appeal refers to 'design options' it states were previously discussed with the Planning Authority, and that access for those with a demonstrable housing need with no alternative access onto a nearby county (local) road were accepted under the previous Development Plan (2013-2019);
- Appeal states that on balance and in the absence of alternative sites or access to the landholding the application should be positively considered.

The appeal includes supplementary points in relation to the site location; housing need; access and sightlines; services; and landscaping/boundaries. In relation to access and sightlines additional points are made generally as follows:

- Regarding an existing lane which the applicant and other farms utilise, this lane is shared and cannot realistically be widened including legally and technically;
- Regarding an alternative site on the family land, none is available;
- Regarding purchasing a site, no viable options are available;
- The applicant uses the two agricultural access and the neighbouring access where he lives with his parents, and as such is making more intensive use of the regional road and entrances thereon than if he was living on the subject site. Appeal states that as such the proposal does not represent an intensification of use of the road or any access and would represent a de-intensification and reduction in number of accesses, and would reduce the number of trips as the proposed home, neighbouring family home, and farm could all be accessed from the one site.

7.2. Planning authority response

7.2.1. The planning authority response is summarised as follows:

- Planning authority has considered the appeal and considers the refusal was appropriate and in accordance with development plan;
- The safe carrying capacity of the regional road and traffic safety issues have been a consideration throughout the assessment of applications on this site, including the refusal on the site prior to the current applicant purchasing same. This is not a new issue as contended by the applicant;
- Proposal fully considered in terms of separation distance to public road junction and potential for traffic hazard associated with same, and the contention that the closure of an agricultural access would represent a reduction on movements onto the regional road. At present both accesses access the same field. The proposal is for a residential access and to maintain access to the agricultural lands and as such there is not a reduction in traffic movements.

7.3. **Observations**

7.3.1. None.

8.0 **Assessment**

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are those raised in the refusal reason, and related matters raised in the course of the appeal.

8.2. **Principle of Development**

8.2.1. Having regard to foregoing, and to the provisions of the Development Plan, including the location of the site in a rural area under strong urban influence, I am satisfied the dwelling as proposed is acceptable in principle, subject to the considerations below.

8.3. **Refusal reason 1**

8.3.1. I consider below the different elements of the grounds for refusal and related points raised by the parties.

Information on file

8.3.2. The Planning Authority Planner Report stated that the District Engineer considers the proposed development represents a traffic hazard, and that this opinion has been maintained by the District Engineer having reviewed the current application and that there is a further note of support of the concerns raised by the District Engineer from the Senior Engineer in the Roads Section.

8.3.3. The above assessment provided the grounds for refusal. I see no report or note of support from the District Engineer or Senior Engineer on the Commission file. I also see no such report or note on the Planning Authority public file. Given the single refusal reason and the technical nature of these matters I consider the absence from the record of the referenced engagement with the engineering services is noteworthy. The Commission may be inclined to seek submissions in this regard

from the Planning Authority however I am satisfied that, on balance, there is sufficient basis to decide the appeal.

Junction to south

- 8.3.4. The refusal reason referenced the public road junction to the south. The Planner Report stated the proposed entrance is similarly positioned to a previous 2022 application; that the District Engineer previously raised concerns regarding the distance to the junction to the south on the opposing side of the road; and that the same concerns as detailed previously still apply.
- 8.3.5. I consider the abovereferenced case is Reg. Ref. 22844. Whilst the layout in that application was similar to the subject case, the access in that application was approximately 5-7m further away from the junction to the south. That case was also assessed and decided in the context of the 2022-2028 Development Plan.
- 8.3.6. Whilst I see no provision in the Development Plan requiring specific distances between accesses and junctions, Development Plan Volume 2 Section 8.6 'Sightline Requirements' states all new developments proposing a new entrance or a significantly intensified existing access onto the public road network shall comply with the relevant TII Publications / DMURS Guidelines. No specific document or provision is specified.
- 8.3.7. I have had regard to the Transport Infrastructure Ireland publication referenced by the appellant "Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) DN-GEO-03060 May 2023". Chapter 5 "Geometric Design of Priority Junctions & Vehicular Access to National Roads", subsection 5.2.2 "Horizontal Alignment" states that: "*The provision of new priority junctions or direct accesses shall not be permitted within 90m of a roundabout or priority junction on National Roads. This may be reduced to 50m as a relaxation when the road is a Regional / Local Road*". Whilst not forming part of the Development Plan, I consider the Development Plan is clear in its intention and requires that development proposals shall comply with relevant TII publications, albeit that requirement is not a policy or objective of the Development Plan, and no specific document or provision is specified either in the Development Plan or in the Planning Authority assessment of this case.

- 8.3.8. Development Plan Section 8.5 'Road Safety Audit & Traffic Impact Assessment' states that a road safety audit may also be required for development with access onto non-national routes where the council deems it necessary. The Planning Authority did not request such information, and the appellant submitted minimal supporting technical assessment in this regard.
- 8.3.9. I note again the Planning Authority Planner Report assessment reference to risks from the proposed turning movements necessitated by the development at this location where there is a continuous solid white line, and their reference to the District Engineer previously considering the proposed development represents a traffic hazard in the previous application. I accept the absence of Planning Authority Engineering reports on the subject case, and that the Planner Report refers to reports from previous applications. However, given the road safety issues raised, and in the absence of substantive countervailing technical assessment from the appellant, on balance I consider that a precautionary approach toward the development is warranted in this regard in the interests of road safety. I consider this warranted particularly having regard to the fact that the abovementioned relaxation from 90m to 50m *may* be provided. Accordingly I am not satisfied the appellant has demonstrated sufficiently that the proposed access arrangement are acceptable in this regard.

Sightlines & forward stopping distance

- 8.3.10. Sightlines to the south are not clearly indicated on the site layout plan Drawing No. CF-0724 (dated 01-07-2024) submitted to the Planning Authority with the application. An updated version of that drawing (also dated 01-07-2024) is submitted with the appeal. I am satisfied the general layout is unchanged but does show 160m sightlines in both directions. Having reviewed the drawings; having visited the site; and noting the vertical and horizontal alignment of the road and the proximity of the hedge; I am satisfied the required 160m sightlines are correctly indicated in the appeal and would generally be achieved by the proposed access in both directions.

Access onto a Strategic Regional Road

- 8.3.11. Regarding the proposed access being onto a Strategic Regional Road, Development Plan Section 5.10 'Regional and Local Roads/Urban Streets' states that "*There are 15 Strategic Regional Roads in County Waterford linking the main County towns to*

the national routes and motorways. These are shown in the table below:" Table 5.6 'Strategic Regional Roads' refers to the R673 and simply states 'Ardmore'. I note the R673 runs both north and west out of Ardmore, connecting it to the N25 at two separate points, one north and one generally west of the subject site.

8.3.12. The refusal reason states that the development would be contrary to Policies Trans 44 and 45 of the Development Plan.

8.3.13. Policy Objective Trans 45 seeks to "*Protect strategic regional roads listed in Table 5.6 against development where a maximum speed limit applies, except in exceptional circumstances, in order to protect the carrying capacity and safety of such roads*". Policy Objective Trans 45 goes on to state that "*On these and other regional roads we will resist the creation of new vehicular accesses where the maximum speed limit applies, except in the following exceptional circumstances ...*". There is an existing agricultural access at this point, which the applicant intends to undertake works to and use the access for the proposed dwelling, and, it seems, to also access their land.

8.3.14. Much of the commentary from the Planning Authority and appellant focusses on whether the proposed access is considered to be a 'new' access, both in the context of the Development Plan wording and TII guidance. I accept the appellant's points in this regard given the proposed access is located generally at the point of an existing agricultural access. I consider that the substantive consideration in this regard is impact on road safety and capacity, and as such I consider the changes proposed in terms of works and likely level of usage would be material changes which would materially affect road safety and capacity. Given the absence of information to the contrary I am satisfied that Policy Objective Trans 45 should be applied to this case.

8.3.15. Policy Objective Trans 45 however sets out a number of exceptional circumstances. I consider each below:

- *strategic, local, regional or national importance: I am satisfied this criterion does not apply;*
- *replace an existing dwelling with a pre-existing entrance onto a regional road: there is no pre-existing dwelling on the site and as such this criterion does not apply;*

- *Agricultural entrances required for farm access: There is an existing agricultural access and the proposed access is primarily for a dwelling;*
- *Development which utilises existing farmyard/farmhouse access points: There is no farmyard/farmhouse on the site.*

8.3.16. In relation to the second criterion, it states: “*Where applicants who establish a genuine rural housing need (Chapter 7), are proposing to build a home on their landholding and cannot provide access onto a nearby county (Local) road. In this instance, applicants will be required to maximise the potential of existing entrances. The onus will be on the applicant(s) to demonstrate that there are no other accesses or suitable alternative sites within the overall landholding*”. The Planner Report states that it appears the applicant can satisfy local need criteria. The application was not refused in this regard. The applicant proposes to build a home on part of their landholding. I see no local road access from the landholding indicated in the application. I am satisfied the applicant has sought to maximise the potential of existing entrances, despite it being treated as a new access. The applicant states that there are no other accesses or suitable alternative sites within the overall landholding.

8.3.17. For completeness I note reference in the application to a track which accesses the landholding. The applicant sets out why this track is not physically or legally viable to serve the development. Given this information, and having inspected the track referenced, including its width, condition, route and length, I am satisfied with the appellant’s points in this regard. In any event the track does not access the subject site and is not located within the application red or blue lines. Accordingly, as required by Policy Objective Trans 45 where the onus is on the applicant to demonstrate there are no other accesses or suitable alternative sites within the overall landholding, I am satisfied the applicant has achieved this. Based on the forgoing, I am not satisfied the development as proposed is contrary to Policy Objective Trans 45.

8.3.18. Regarding Policy Objective Trans 44, I consider there is a degree of tension between Policy Objectives Trans 44 and 45; whilst Policy Objective Trans 44 seeks to “*maintain and protect the carrying capacity ... of regional ... roads and associated*

junctions in the interest of road safety”, Policy Objective Trans 45 appears to provide significantly greater latitude for exceptional circumstances. In this regard it seeks to:

- “Protect strategic regional roads listed in Table 5.6 against development where a maximum speed limit applies, except in exceptional circumstances, in order to protect the carrying capacity and safety of such roads.*
- On these and other regional roads we will resist the creation of new vehicular accesses where the maximum speed limit applies, except in the following exceptional circumstances: ...”*

8.3.19. Given the foregoing; given the overlap in their objectives; and given their close relationship to road safety, I consider the wording of these Policy Objectives should be interpreted in a cautionary manner. Whilst I do not consider the proposal would contravene Policy Objective Trans 45, I consider that, on balance, the development as proposed would contravene Policy Objective Trans 44.

Road markings

8.3.20. The appellant states there is no policy or guideline relating to accesses near solid white line road markings. Whilst this may be correct, I consider the solid white line indicates increased traffic safety risk along the road. There is an unbroken white line from over 500m north of the site, and for some kilometres thereafter toward Ardmore. I am satisfied this is due to nature of the road including the relatively narrow width of the road; the speed traffic likely moves along the straighter stretches; the number of accesses and junctions nearby; and visibility as a result of vertical and horizontal road alignment. I accept the appellant’s point that the road north at this point is relatively straight, however I am satisfied that taking account of the location of the proposed access adjacent the solid white line is reasonable and indicative of an increased safety risk at this point on the road.

Intensification of access & ‘Planning Gain’

8.3.21. The applicant proposes to change one of two existing agricultural accesses into the proposed dwelling access, and to close the second access to the site. I acknowledge the Planning Authority points in this regard, that, in broad terms, there would be an intensification of the access. In contrast whilst I accept the appellant’s points that benefits to road capacity and safety would arise from the closure of the second

agricultural access, in the absence of other evidence I am inclined to concur with the Planning Authority view that there would be a materially greater use of the other existing agricultural access be it as a residential access, or as a combined access for residential and farm purposes, and that this would have a material impact on the adjacent road. In this regard, the appellant states that he currently lives in his parents dwelling, however that dwelling is indicated by the applicant as being located approximately 580m to the south-west along the R673. Contrary to the appellant's points in this regard, I consider the proposed access would redirect their existing residential trips to the subject site. For completeness I note that access to the agricultural field through the proposed dwelling is not indicated on the submitted plans.

Precedent and proper planning and sustainable development of the area

- 8.3.22. The refusal reason refers to precedent. I am satisfied the application meets the threshold and requirements of exceptional circumstances provided by Policy Objective Trans 45. As such I consider the potential for the development to establish an undue precedent in this regard is reasonably limited. However, as above I am inclined to concur with the Planning Authority that the development as proposed would, on balance, be contrary to Policy Objective Trans 44.

Conclusion

- 8.3.23. As set out above I consider the proposal would not be contrary to Policy Objective Trans 45; that the proposed sightlines generally meet Development Plan requirements; that access for the development onto the strategic regional road is acceptable in principle in the context of Policy Objective Trans 45; and that any precedent set by the application would not undue or wide-ranging.

- 8.3.24. However, in the absence of substantive countervailing technical engineering assessment from the appellant; and having regard to the nature of the proposed development; its proximity to the junction to the south; the nature of the road adjacent the site; and the likely traffic and turning movements resulting, I consider the appellant has not clearly demonstrated the development as proposed would not have a significant detrimental impact on traffic safety or that the development would not represent a significant risk to road users.

- 8.3.25. I acknowledge the junction to the south serves approximately 8 dwellings, farmland, and a farmyard, and that clear visibility between it and the access would be available. Conversely, I consider the appellant has not addressed sufficiently the concerns raised by the Planning Authority in the previous reason for refusal.
- 8.3.26. In this context I consider that on balance, and taking a precautionary approach in the interests road safety, in the absence of countervailing technical assessment, the development as proposed is contrary to Policy Objective Trans 44 and Section 8.6 'Sightline Requirements' of the Development Plan, and accordingly that permission should not be forthcoming.

8.4. Related matters raised in the course of the appeal

Planning history

- 8.4.1. The appeal references the previous applications for a dwelling refused on the site, and states that subsequent to Ref. 18/813, in which they state that all previous refusal reasons were addressed, the new County Development Plan was adopted, and the Planning Authority subsequently refused application Ref. 22/844 on the basis of a new/amended refusal reason which had not previously featured, notwithstanding that similar provisions to the policies now being used as reasons to refuse were in the previous Development Plan (2011-2017).
- 8.4.2. The Planning Authority appeal response states that the safe carrying capacity of the regional road and traffic safety issues have been a consideration throughout the assessment of applications on this site and are not a new issue.
- 8.4.3. Seven applications for a dwelling at this location have been refused by the Planning Authority in whole or part on grounds of impact on the R673. The applications were made over a significant timeframe and were decided under three Development Plans. The developments proposed in each case differed and were not appealed to the Commission. I note the consistent matters raised as well as the changing policy context and the different refusal reasons in these cases as referenced in the appeal.
- 8.4.4. Each planning application should be assessed on its merits against the policy and guidelines in place at the time of decision. Whilst I do not wish to review historical Planning Authority decisions, I consider it warranted to comment in relation to the applicant's attempts to address the prior refusal reason and the substantive matters

raised in relation to the R673 only insofar as their commonalities are relevant to the subject case, that is, traffic safety and road capacity. In this regard I note again the absence of the referenced engineering reports / notes from the subject case, and that I see no Planning Authority engineering reports in relation to Reg. Refs. 18813, 18311, 16775, 16348, and 051163 on the available public register.

9.0 Appropriate Assessment screening

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites including the River Nanny Estuary and Shore SPA and North-west Irish Sea SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections

10.0 Water Framework Directive

- 10.1.1. The subject site is located in a rural area. The development comprises construction of a dwelling. No water deterioration concerns were raised in the appeal. I have assessed the development and have considered the objectives set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status, and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is as follows: the small scale and nature of development, and the location-distance from nearest water bodies and/or lack of hydrological connections. Taking into account WFD screening determination by Planning Authority, I conclude on the basis of objective information that the development will not result in a risk of deterioration on any water body either

qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1.1. I recommend permission be **Refused**, for the reasons and consideration below.

12.0 Reasons and Considerations

Having regard to the proximity of the proposed access to the road junction to the south and the nature of the regional road outside the site, it is considered that the applicant has not clearly demonstrated that the proposed development and resultant traffic movements would not significantly undermine road safety along the R673 Regional Road outside the site. Accordingly, it considered that the proposed development would represent a significant safety risk to both the future residents of the dwelling as well as other road users, and that the proposed development would endanger public safety by reason of traffic hazard on the public road and would be contrary to Policy Objective Trans 44 and Section 8.6 'Sightline Requirements' of the Waterford City and County Development Plan 2022-2028 and accordingly to the proper planning and sustainable development of the area.

-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.-

Dan Aspell
Inspector
31st July 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-320888-24
Proposed Development Summary	Construction of a dwelling and all ancillary site works.
Development Address	Lissarow, Ardmore, Co. Waterford
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) Construction of more than 500 dwelling units.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: __ 25th July 2025__

Form 2: EIA Preliminary Examination

Case Reference	ABP-320888-24
Proposed Development Summary	Construction of a dwelling and all ancillary site works.
Development Address	Lissarow, Ardmore, Co. Waterford
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	Proposed development comprises a dwelling in a rural area. The proposed development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.
Location of development	The development is located in a rural area on agricultural land. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. The site is not of historic and cultural significance. Given the scale and nature of development there will be no significant environmental effects arising.
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** 25th July 2025

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

APPENDIX 2

Screening for Appropriate Assessment - Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Construction of a dwelling and all ancillary site works.		
Brief description of development site characteristics and potential impact mechanisms		Helvick Head to Ballyquin SPA is approx. 1.2km to the south-east; Ardmore Head SAC is approx. 3.6km to the south; and Blackwater River SAC is approx. 3.6km to the north		
Screening report		No		
Natura Impact Statement		No		
Relevant submissions		Planning Authority screening		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connection	Consider further in screening Y/N
The Planning Authority Planner Report identifies a large number of European Sites within a 15km zone of influence. It concludes that no potential impacts arise due to the size and scale of the site and lack of hydrogeological connections. I identify the following Sites on grounds the source-pathway-receptor model. These European Sites were also considered and discounted in the Planning Authority Planner Report AA screening.				
Helvick Head to Ballyquin SPA (004192)	https://www.npws.ie/protected-sites/spa/004192	1.2km	No feasible connection.	No
Ardmore Head SAC (002123)	https://www.npws.ie/protected-sites/sac/002123	3.6km	No feasible connection.	No
Blackwater River SAC (002170)	https://www.npws.ie/protected-sites/sac/002170	3.6km	No feasible connection.	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites AA Screening matrix				
Site name Qualifying interests		Possibility of significant effects (alone) in view of the conservation objectives of the site*		
		Impacts	Effects	
Helvick Head to Ballyquin SPA (004192) Cormorant <i>Phalacrocorax carbo</i> Peregrine <i>Falco peregrinus</i> Herring Gull <i>Larus argentatus</i> Kittiwake <i>Rissa tridactyla</i> Chough <i>Pyrrhocorax pyrrhocorax</i> The Conservation Objectives for the SPA are to restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.		No direct, indirect, ex situ or in combination impacts.	No significant effects likely.	
No		Likelihood of significant effects from proposed development (alone): No		
No		If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		

No	Possibility of significant effects (alone) in view of the conservation objectives of the site No	
	Impacts	Effects
Ardmore Head SAC (002123) Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths The Conservation Objectives for the SPA are to maintain the favourable conservation conditions of the identified Qualifying Interests.	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.
No	Likelihood of significant effects from proposed development (alone): No	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
No	Possibility of significant effects (alone) in view of the conservation objectives of the site No	
	Impacts	Effects
Blackwater River SAC (002170) Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> White-clawed Crayfish <i>Austropotamobius pallipes</i> Sea Lamprey <i>Petromyzon marinus</i> Brook Lamprey <i>Lampetra planeri</i> River Lamprey <i>Lampetra fluviatilis</i> Twaite Shad <i>Alosa fallax</i> Atlantic Salmon <i>Salmo salar</i> (only in fresh water) Estuaries Mudflats and sandflats not covered by seawater at low tide Perennial vegetation of stony banks Salicornia and other annuals colonizing mud and sand Atlantic salt meadows <i>Glauco-Puccinellietalia maritimae</i> Otter <i>Lutra lutra</i> Mediterranean salt meadows <i>Juncetalia maritimi</i> Killarney Fern <i>Trichomanes speciosum</i> Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation Old sessile oak woods with Ilex and Blechnum in the British Isles *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) * <i>Taxus baccata</i> woods of the British Isles The Conservation Objectives for the SPA are to restore and maintain the favourable conservation conditions of the identified	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.

Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.		
No	Likelihood of significant effects from proposed development (alone): No	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
No	Possibility of significant effects (alone) in view of the conservation objectives of the site No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on European site(s) including the Helvick Head to Ballyquin SPA, Ardmore Head SAC and Blackwater River SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		