



An
Coimisiún
Pleanála

Inspector's Report ABP-320947-24

Development	House & garage/storage with associated site works.
Location	Castlemiles, Lackaroe, Youghal, Co. Waterford.
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	2460245
Applicant(s)	Bryan Murphy
Type of Application	Planning Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v Decision
Appellant(s)	Mary Gibbons
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 located in Castlemiles townland, Lackaroe, Youghal, Co. Waterford. The site area is stated as 0.470ha. The site comprises part of a large agricultural field. The remainder of the field extends to the south, east and north. There is a detached dwelling to the north-west. The site is bounded by an unnamed road to the west.
- 1.1.2. There are mature hedgerows either side of the road. Across the road agricultural lands extend to the west. There is an access to a dwelling and associated farmyard (referred to as Cornaveigh Farm) across the road to the south-west; there is a well referred to as Cornaveigh Holy Well inside the entrance gate to the Farm. The topography of the area slopes generally north-east to south-west.
- 1.1.3. The site is located within the administrative area of Waterford City & County Council. The boundary with the administrative area of Cork County Council runs along the road adjacent the site. Cornaveigh Farm is located predominantly within the administrative area of Cork County Council.

2.0 Proposed Development

- 2.1.1. The proposed development generally comprises a 2-storey detached dwelling with garage/storage building; entrance; wastewater treatment system and ancillary works.
- 2.1.2. The applicant submitted a Site Characterisation Report (and subsequent amended Reports), architectural drawings, and related information.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford City & County Council issued a notification to grant permission subject to 10 no. Conditions. I note the following:
 - Condition 3: Standard requirements for the entrance design including in relation to surface water drainage;
 - Condition 5: Standard requirements in relation to wastewater treatment;

- Condition 8: Site boundaries, including for provision of a raised earthen berm and planting;
- Condition 9: Standard requirements in relation to surface water runoff.

3.2. Planning Authority Reports

3.2.1. Planning reports: Three Planner's Reports are on the case file. I note the following points:

- Local Housing Need: Applicant demonstrated compliance with local housing need criteria;
- Access: Proposed entrance meets minimum sightline requirements;
- Design/Siting: Revised proposals were sought by further information. Report in response to further information considered the revised design acceptable;
- Water Framework Directive: No high-status-objective waterbodies were found within 1km of the site;
- Appropriate Assessment: No issues arising;
- Site services: A private well, conventional septic tank, and soak pits proposed. Report considered the site to be suitable from a servicing perspective:
 - Initial Planner Report invited the applicant to address points made by the Observer/Appellant in relation to the Site Characterisation Report;
 - Planner Report in response to Further Information questioned the conclusiveness of the language used in the revised Site Characterisation Report and sought for appropriate tests to be carried out on-site;
 - Planner Report in response to Clarification of Further Information noted the further revised Site Characterisation Report stated that there are not any springs evident in the site; submitted a revised site layout which illustrated the location of 'the' spring referenced in observations and the route of the drainage ditch; and confirmed that neither is within the application boundary. Report stated the final Site Characterisation Report confirmed the proposed WWTS complies with EPA Code of Practice. Report considered the site to be suitable from a site-servicing perspective.

Other Technical Reports

3.2.2. Roads: None.

3.2.3. Water Services: None.

3.2.4. Heritage: None.

3.3. **Prescribed Bodies**

3.3.1. Dept. of Housing, Local Government and Heritage Development Applications Unit (DAU): Submission stated that site is located partially within confines of archaeological monuments incl. CO056-003 (fulacht fia); CO056-013 (fulacht fia); and CO056-011 (ritual site – holy well). Submission recommended archaeological conditions for pre-development archaeological testing.

3.4. **Third Party Observations**

3.4.1. During the application stage 2 no. submission from a Mary Gibbons were made to the Planning Authority. I summarise the issue raised as follows:

- The amended Site Characterisation Report (July 2024) stated there are no springs in the site area but this is inaccurate. There is a spring in the application site area, and water from its flows into a well (referred to as Cornaveigh Holy Well) located inside the observer's entrance wall (Cornaveigh Farm). Submission stated the Holy Well is located a couple of yards from the site and a narrow country road separates the site and Cornaveigh Farm;
- Submission stated the spring within the site is the source of water for Cornaveigh Holy Well. It stated the proposed works incl. digging the septic tank, drilling for water, or creation of a new well will affect the spring on the site and negatively impact the Holy Well by altering or reducing the source of spring water from the spring on the site and could render the Holy Well dry. It stated the Holy Well is not currently dry although can reach low levels in summer. It stated the Holy Well provides water that is piped to Cornveigh Farm for its grazing cattle and the dwelling within the Farm;
- The submissions set out extracts from the application and provided related details;

- The submissions stated the application comment that the roadside drains remove surface run-off is inaccurate. They state that the road is tarred to the fence and that the drainage channel that was there no longer exists;
- Submissions stated the Holy Well is listed as one of the Holy Wells of Ireland (a website reference was provided); that the Holy Well was surveyed for the Waterford Heritage Society, and that it is marked on Ordnance Survey maps;
- Submission stated that Section 3.0 and 3.1 of the Site Characterisation Report in relation to watercourses, streams and drainage ditches are inaccurate.

4.0 Recent Planning History

4.1. Subject site

4.1.1. None.

4.2. Nearby sites:

4.2.1. None.

5.0 Policy Context

5.1. National guidelines and strategies

National Biodiversity Action Plan 2023, including its Objectives and Targets

EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021)

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivery
Homes Sustaining Communities 2007

Sustainable Rural Housing Guideline for Planning Authorities 2005

5.2. Development Plan

Waterford City & County Development Plan 2022-2028 Volume 1

5.2.1. The site is within the rural area within the Area Under Strong Urban Influence in the Waterford City & County Development Plan 2022-2028. I note the following:

Section 2.10 'Rural Areas'.

Sections 7.11 'Housing in Rural Villages and the Open Countryside' and 7.11.2 'Housing in the Open Countryside', incl. 'New Homes in the Open Countryside Policy Objectives' H28: *"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 criteria⁴ as set out in this plan and in relevant statutory planning guidelines, having regard to the viability of smaller towns and rural settlements"*.

Section 9.3 'Water Quality' and Section 9.4 'Compliance with the EU and national legislation and guidance on water quality' in relation to the EPA Code of Practice: Domestic Wastewater Treatment Systems (PE ≤ 10) (2021).

Chapter 11 'Heritage', Section 11.17 'Archaeology' and Policy Objectives AH01 'National Monuments Act'; AH02 'Managing Development', AH03 'Preservation of Archaeological Material', and AH04 'Archaeological Impact Considerations'.

Waterford City & County Development Plan 2022-2028 Volume 2 – Development Management Standards:

Section 3.4.2 'General Residential Development Design Standards'.

Section 6.0 'Rural Development'.

Section 8.0 'Roads Access Policy' incl. Section 8.6 'Sightline Requirements' and 8.7 'Sightline Provisions'

Section 9.0 'Other Development Considerations' incl. Sections 9.2 'Site Boundaries', 9.4 Wastewater Treatment Infrastructure, and 9.8.2 'Surface Water and Sewer Drainage / Flooding';

Section 9.9 'Archaeological Sites' and Development Management DM56.

Appendix 22 'Archaeology'

5.2.2. I have also had regard to the provisions of the Cork County Development Plan 2022-2028.

Natural Heritage Designations

5.2.3. Blackwater Estuary SPA is approximately 2.15km to the east of the site.

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 third-party appeal was received, from Mary Gibbons of Cornaveigh, Youghal, Co. Cork, the main points of which are summarised as follows:

- Concern that drilling for a well, excavating for a septic tank and percolation area, and any other underground works may divert the underground spring for the Cornaveigh Holy Well which is located within the appellant's farm;
- Appeal states the source of water for the Well is a spring which comes from Castlemyles [*sic.* Castlemiles] and the vicinity of the proposed site. Appeal states that a visible stream of water flows into the Well coming underground from the site. Water flows underground from Castlemyles into the Well. Appeal refers to historical family knowledge that the course of water for the Holy Well came from Castlemyles and the field belonging to the Flynn family and later the Hynes family (the current owners);
- Spring water and ancient wells are important to rural areas, working farms and heritage. Spring water is important to the appellant's farm. Water from the Well is piped to an underground tank and fed to the sheds/troughs on the farm;
- Appeal states the Dept. of Agriculture requested the Well be cordoned off as they believed it to be a national monument;

- Appeal states that an underground spring referred to as the ‘Castlemyles Spring’ is located underground in the area of the site at Castlemyles which is the subject of this application (Appeal refers to a number of photographs incl. ‘Exhibit 10’ in this regard). Appeal states water from Castlemyles Spring flows into the Well within the appellant’s farm. Appellant concerned the development will affect the flow of water from Castlemyles Spring by altering, reducing or depleting the spring water into the Well;
- Appeal refers to errors in the application. It states the reference on the attached drawings to ‘indicated location of piped Spring’ as the source for the Holy Well, and related points from the landowner (Katie Hynes) on behalf of the applicant, are inaccurate. Appeal states that spring is not the source of water for the Holy Well and that water from that spring does not reach or flow to the Well. Appeal refers to ‘photograph No. 21’ as evidencing this. Appeal states that comments from the applicant that the well is dry and related points are incorrect.

7.1.2. The appeal includes large number of application documents including photographs of the area. Appeal states the site notice was invalid and that this impacted the making of submissions.

7.2. **First-Party Response to Third-Party Appeal**

7.2.1. A first-party response to the appeal was received, which I summarise as follows:

- Response refers to a letter (included with the response) from the site owner (Katie Hynes) which states there are no springs in the site. The response states the letter identifies the possible location of a spring which would most likely be the source of water for the Well. That spring is located uphill from and across the road from the subject site. It is piped across the public roadway to the north of the site where it enters the roadside drain as shown on the site layout plan;
- The statement at Section 3.1 ‘Springs’ of the Site Characterisation Report submitted with the application that ‘there are not any springs shown on the site area’ is accurate. The roadside drainage ditch as shown on the submitted drawings removes any runoff from the land or road and is accurate. The detail as submitted in the Report is accurate and correct;

- As part of the preparation of the Site Assessment Report a series of test holes were dug on the site to ascertain if there was bedrock, watertable, or any signs of other subterranean anomalies that would affect the location of a WWTS. Response states none were found. Response states these test holes were dug in the vicinity of the proposed WWTS;
- Response states that immediately north-west of and adjacent to the site is another dwelling which was also built on the same farm landholding. There are no outward indications of there being springs at that location;
- Response also states the site notices erected were validated and worked as intended as there were submissions by the appellant on two occasions.

7.2.2. The submitted letter from the site owner, Katie Hynes states there is an absence of springs or running water on the farm. The letter states there is a spring which is visible in the field across the road from the dwelling to the north of the site; it stated that water from that spring has always run under the road and long the boundary with the appellant's farm and that this appears to be the source for the Well.

7.2.3. The Response includes additional points as follows;

- That the appeal is subjective, speculative and based on hearsay, and cannot be verified as factual. The applicant has provided objective evidence including site assessment by a qualified engineer and independent maps from GSI;
- The submitted photos do not show evidence of the referenced spring. Stating the referenced spring is in Castlemiles does not mean it is in the subject site.

7.3. **Planning Authority Response**

7.3.1. None.

7.4. **Observations**

7.4.1. None.

7.5. **Further Responses**

7.5.1. 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 including the submissions received; 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 as follows:

- Potential impact on neighbouring well;
- Related matters raised in the course of the appeal, including heritage.

8.2. Potential impact on neighbouring well

- 8.2.1. I am satisfied the proposed development is acceptable in principle subject to the considerations below.
- 8.2.2. The appeal raises concern that the proposed works relating to the drilling for a well, excavating for a septic tank and percolation area, and any other underground works may divert waters from a referenced underground spring within the site that run to a Well ('Cornaveigh Holy Well') located across the road from the site on the appellant's farm. I note the appellant does not specifically raise issue in relation to water quality.
- 8.2.3. The appeal response states there are no springs within the site, and that the location of a spring which would most likely be the source of water for the Well is uphill from, and across the road from, the subject site. The appeal response states this is supported by test holes undertaken at the site and the final version of the Site Characterisation Report. The appeal response states the appeal claims are subjective and speculative and unsupported by objective evidence.
- 8.2.4. I have reviewed all of the information on the case file, including reports from the Planning Authority. I have also had regard to publicly available mapping from the Environmental Protection Agency, Ordnance Survey Ireland, and Geological Survey of Ireland. I have also reviewed in detail the submissions and other documentation provided by the appellant, including photographs of the area. I have inspected the area within and around the site, including the referenced Well. I observed the Well is located outside the application red line boundary, on the opposite side of the adjacent road, within the entrance to the appellant's farm.

Assessment

- 8.2.5. In short, I see no clear evidence in the available information, including the information submitted from the appellant, that there is a spring located within the application site. In this regard, the submitted Site Characterisation Report indicated there are no springs on the site. During my site visit I observed no indication of a spring on the site. During my site visit I did however observe a small watercourse running southward to the referenced Well, but that watercourse was located west of the public road, whereas the subject site is to the east of the road.
- 8.2.6. In relation to publicly available mapping, again I see no record of a spring on the site. I note that Ordnance Survey Ireland mapping indicates a watercourse running from approx. 150m north-west of the site (north of the junction of the L6013 local road and road adjacent the subject site) southward, generally along the alignment of the road adjacent the site. That mapping indicates the watercourse running along the western side of the road, then crossing under the road and into the subject site (for a distance of approx. 40m), before crossing again to the west of the road and running generally toward the location of the reference Well within Cornaveigh Farm and onward to the south. Publicly available EPA mapping does not indicate a watercourse north of the referenced Well but does indicate a watercourse known as the 'Tourig' river (also referred to as Ballyglavin stream) running generally from the location of the Well within Cornaveigh Farm onwards to the south.
- 8.2.7. In relation to the submitted drawings, the site layout plan refers to "indicated location of piped spring" which is also shown as being located north of the junction of the public road adjacent the site and the L6013 local road approx. 100m north of the site. The drawing indicates the spring is piped under the L6013 to run to the west of the road adjacent the subject site. The drawing also indicates a roadside drainage ditch running along the western side of the road. During my site visit I observed a wide drainage ditch on the western side of the road.
- 8.2.8. In summary, I see no evidence within the available information that there is a spring located within the subject site. I note the appellant's statements that the spring referenced by the applicant (to the north of the site) is not the source of water for the referenced Well, however I see no clear evidence to support this view. However, I am satisfied that a watercourse runs from the north of the subject site generally

along the alignment of the public road and that it is at least partially spring-fed. I also consider the above information indicates that watercourse may cross into the red line area of the site, and may in full or in part flow into the referenced Well.

8.2.9. Regarding the appellant's concerns that proposed sub-surface works on the site, including in relation to a well, excavating for a septic tank and percolation area, and any other underground works, may divert the underground spring, I consider the following:

- The proposed dwelling, entrance, septic tank, and percolation area are approx. 40m, 50m, and 70m from the Well respectively. Noting the abovementioned mapping which indicates a watercourse running through the site alongside the road, I am satisfied that given the location and nature of the proposed access and boundary proposals it is unlikely that those works would have a significant impact on any such watercourse. However, taking a precautionary approach, I consider that revised conditions in this regard are warranted to ensure that no undue impacts on existing surface water drainage along the road occurs;
- I note the proposed borewell is in the eastern corner of the site some 70m from the road and as such would have no impact on water flows along the road;
- Regarding the proposed WWTS, I am satisfied the system is at minimum 10m from the road and as such that its construction would have no direct impact on any such watercourse.

8.2.10. Accordingly, I am generally satisfied the proposed works would not have a significant impact on the flow of surface, storm or other below-ground water flows in this area along the road, subject to conditions.

8.2.11. Regarding conditions, I consider revised conditions are warranted to ensure works along the western boundary of the site do not unduly impact surface/stormwater flows along the public road. In this regard, a revised condition in relation to works to construct the proposed access and related impacts on roadside drainage are required (Condition 3). I also consider that revised Conditions No. 8 (boundaries) and 9 (surface water runoff from the development) as attached by the Planning Authority are required to ensure no inadvertent impact on surface/storm water drainage and water supply to the south arises as a result of the conditions attached.

Water quality & Water supply

8.2.12. Whilst note raised explicitly in the appeal, I have considered the potential impact of the proposed development on water quality in the area. The proposal incorporates a septic tank and percolation area. I have reviewed the final Site Characterisation Report submitted to the Planning Authority. I note the Observation submitted to the Planning Authority by the appellant stated that both livestock and the farmhouse benefitted from the water from the well, however the appeal stated only that livestock from the farm were served by water from the Well. Regarding potential impacts on the safety and quality of water supply to the farm, I have had regard to the EPA Code of Practice. It stipulates that minimum distance from the entire proposed DWWTS from a watercourse/stream and an open drain / drainage ditch is to be 10m. It also states the minimum distance from a road is to be 4m, and from site boundaries is to be 3m. I am satisfied the proposed layout achieves these separation distances. Regarding conditions I consider that a standard condition for the construction and instalment of the proposed WWTs is required. Having regard to the assessment above, to the nature of the development, and to the provision of the EPA Code of Practice in this regard, I am satisfied that the proposed development complies with the relevant requirements subject to condition.

Summary

8.2.13. Having regard to the foregoing, I am satisfied there is no evidence of a spring within the application site as claimed by the applicant. I consider there is evidence of a watercourse running alongside and under the adjacent public road, from the north, and that this watercourse may cross into the site and run along part of the site boundary. Based on the available information I am satisfied the proposed works would not have a significant impact in this regard. However, taking a precautionary approach, I consider that revised conditions should be attached to ensure that works for the proposed entrance and any works along the site boundaries do not have unacceptable impacts on surface / stormwater flows in the area, or that the conditions attached do not inadvertently give rise to undesirable impacts in this regard. As such, I am satisfied the proposed development meets the requirements of the Waterford City & County Development Plan and EPA Code of Practice in this regard, including Section 9.3 (Vol. 1) and Section 9.0 (Vol. 2), and would not give

rise to unacceptable impacts in terms of stormwater / surface water drainage, water quality, or water supply, including to the referenced Well in the appellants property.

8.3. **Related matters raised in the course of the appeal**

Heritage:

- 8.3.1. I note the submission from the DAU and related points made by the appellant. The site is within the notification zone of Sites & Monuments Records CO056-003 'Fulacht fia'; CO056-013 'Fulacht fia'; and CO056-011 'Ritual site – holy well'. Whilst these recommendations were noted by the Planning Authority, no conditions in this regard were attached to the decision. I consider that a standard condition in this regard is warranted.

Public notices

- 8.3.2. I note the points made by the appellant in relation to the dating and other details of the site notice, and handling of submissions by the Planning Authority. I am satisfied the points made by the appellant in all of the documents submitted with the appeal including submission made to the Planning Authority have been duly considered as part of the appeal.

Conditions

- 8.3.3. Having reviewed the information on the case file, including the Planning Authority reports, and the conditions attached by the Planning Authority, I consider the following:
- Local housing need: Standard occupancy conditions required (Condition 2 of Planning Authority decision);
 - Access: A new access is proposed. I note the proposed access layout, visibility, and related comments within the Planning Authority reports. I consider standard conditions for detailed design of the access, including in relation to surface / storm water drainage along the road are required (Condition 3 of the Planning Authority decision);
 - Surface water: A Soakaway is proposed. I note the points made by the appellant. A standard condition in this regard is warranted to ensure the appropriate

management of surface water generated within the site (Condition 9 of Planning Authority decision);

- Potable water: Condition 4 of the Planning Authority decision related to the proposed supply of potable water. I am satisfied this condition is not warranted given the information submitted and the provisions of Condition 1;
- Wastewater: I note the points made by the appellant. I have considered the nature of the system proposed, and compliance with the EPA Code of Practice and Development Plan requirements. Standard conditions relating to WWTS installation, construction and maintenance are warranted (Condition 5 of Planning Authority decision);
- Materials: I have reviewed the proposed design, and I note the Planner Report points in this regard. Condition 6 of the Planning Authority decision set out related requirements. I am satisfied a standard condition in this regard is warranted;
- Garage use: Condition 7 of the Planning Authority decision restricted the use of the garage. Given the nature of the application and the provision of exempted development regulations I do not consider this is warranted;
- Boundaries: The submitted layout drawings indicate the existing boundaries are to be retained. Condition 8 of the Planning Authority decision required the construction of roadside boundaries comprising a raised earthen berm, and tree and hedgerow planting. Given the nature of the existing boundary, and the potential of such conditions to impact drainage along the roadside boundary, I consider that a standard condition in these regards is warranted to ensure no unacceptable impacts on existing drainage within and adjacent the public road;
- Contributions: Standard Section 48 Contributions (Condition 10 of Planning Authority decision).

9.0 **Appropriate Assessment screening**

9.1.1. Refer to Section 8 and Appendix 2 of this report.

9.1.2. 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 Blackwater Estuary 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 approx. 20m from the Tourig river (Ballyglavin stream). The proposed development comprises a dwelling with private wastewater treatment system. Water flow deterioration concerns were raised in the planning appeal. I have assessed the residential project and have considered the objectives as 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 (meaning both good chemical and good ecological 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 nature of works e.g. small scale and nature of the development; the location-distance from nearest Water bodies and lack of hydrological connections. Taking into account WFD screening report/determination by Planning Authority, I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) 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 **Granted**, for the reasons and consideration below.

12.0 Reasons and Considerations

Having regard to the nature, layout, design and scale of the proposed dwelling, it is considered that, subject to conditions, the development would comply with the relevant provisions of the Waterford City & County Development Plan 2022-2028, including 'New Homes in the Open Countryside Policy Objective' H28; would provide reasonable protection of residential amenities; would generally respect the character and visual amenities of the area; would not be prejudicial to public health; water quality; or the heritage of the area; and would, therefore, be consistent with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars, and Further Information, received by the Planning Authority on the 19th day of August 2024, 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>Reason: In the interest of clarity.</p>
2.	<p>The following shall be complied with:</p> <p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first</p>

	<p>occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The following shall be complied with:</p> <p>(a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>(a) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>The following shall be complied with:</p> <p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>

7.	<p>a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 19th August 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
8.	<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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

-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
30th December 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-320947-24
Proposed Development Summary	House & garage/storage with a associated site works
Development Address	Castlemiles, Lackaroe, Youghal, 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 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 checked="" 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:** __ 17th December 2025 __

Form 2: EIA Preliminary Examination

Case Reference	ABP-320947-24
Proposed Development Summary	House & garage/storage with a associated site works
Development Address	Castlemiles, Lackaroe, Youghal, 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 of historic and cultural significance being near an archaeological site, but is not proximate to Protected Structures or Architectural Conservation Areas. Given the scale and nature of development proposed 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: 17th December 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		House & garage/storage with associated site works		
Brief description of development site characteristics and potential impact mechanisms		Site measures 0.407ha and comprises agricultural land. Site is approx. 2.15km west of Blackwater Estuary SPA.		
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
I identify the following Sites on grounds the source-pathway-receptor model. This European Site was also considered and discounted in the Planning Authority screening.				
Blackwater Estuary SPA (004028)	https://www.npws.ie/protected-sites/spa/004028	2.15km	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		
Blackwater Estuary SPA (004028) A050 Wigeon <i>Anas penelope</i> wintering A140 Golden Plover <i>Pluvialis apricaria</i> wintering A142 Lapwing <i>Vanellus vanellus</i> wintering A149 Dunlin <i>Calidris alpina</i> wintering A156 Black-tailed Godwit <i>Limosa limosa</i> wintering A157 Bar-tailed Godwit <i>Limosa lapponica</i> wintering A160 Curlew <i>Numenius arquata</i> wintering A162 Redshank <i>Tringa totanus</i> wintering A999 Wetland 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			
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 Blackwater Estuary SPA. 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.				