



An
Bord
Pleanála

Inspector's Report ABP-321214-24

Development	Construction of house.
Location	Gortnapeaky, Ballyduff Upper, Co. Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2460375
Applicant(s)	Eoghan Geary
Type of Application	Planning Permission
Planning Authority Decision	Grant permission w. Conds.
Type of Appeal	Third Party v Decision
Appellant(s)	Brendan & Siobhan Brophy
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 Gortnapeaky, Ballyduff Upper, Co. Waterford. The site comprises part of an agricultural field. There is a dwelling adjacent to the east. The remainder of the field extends to the south. There is a road to the north and an access lane to the west. Agricultural lands extend to the north, west and south. The site boundaries to the north and west comprise mature trees and hedgerows. There is no boundary to the south. The boundary to the east comprises a fence.

2.0 Proposed Development

- 2.1.1. The proposed development comprises a single storey dwelling, detached garage, new entrance, wastewater treatment system, private well, boundary planting, and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford City and County Council issued a notification to grant permission subject to 10 no. standard conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning report: The Planner reports recommended permission be granted. I note the following points:
- Local Housing Need: Report considered the applicant demonstrated a local housing need in accordance with Development Plan Section 7.11.2;
 - Servicing: Site is over 'Geology Groundwater Aquifers LI Locally Important Aquifer – Bedrock' which is Moderately Productive only in Local Zones. Geology Vulnerability is 'E Extreme with Rock at or near Surface or Karst'. Applicant proposes a new private well, new conventional septic tank system; and soak pits for surface water. The subsurface percolation test value is 11.86min/25mm. Report notes that all minimum distances are stated as being met. Report considered the site suitable for development. Report stated the

Planner visited the site where the percolation trial holes were reopened for inspection; report verified the water table is not present;

- Access: Report noted that sightlines of 55m are illustrated;
- Dwelling Design / Siting: Site is located within a 'most sensitive' scenic classification in the Landscape and Seascape Character Assessment of the Development Plan. Concern regarding design of both side elevations that are poor and inconsistent with principles in the rural housing design guidelines that are applicable across many local authorities such as the Cork Rural Design Guide. Report described horizontal emphasis on windows; incoherent window patterns; and the scale, massing and monotonous style. Report stated however that given they are side elevations the report does not consider them unduly negatively affecting the visual amenities of the area. Report considered dwelling height, levels, form, layout, site excavation works including the retaining wall and ground levels. Report stated that notwithstanding the landscape classification, having regard to the adjoining dwelling, the single storey nature of the dwelling, the site section drawings submitted, and the good rural design proposed, report did not consider the dwelling would unduly negatively affect the rural character or visual amenities of the area. Report considered the visual impact may be further mitigated by conditioning natural screening along the new site boundaries;
- Garage: Report noted the revised garage as submitted at Further Information which is set back from c.14m to c.20m from the road and reduce the ridge height from c.6.5sqm to c.5.7sqm to match the ridge height of the dwelling accords with the Further Information request.

Other Technical Reports

3.2.2. None.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. Third Party Observations

- 3.4.1. During the planning application stage 5 no. observations were made to the planning authority. The appellants made two observations; the issue raised related to: the size & scale of dwelling and garage; impact on views; visual impact; residential amenity; drainage; housing need; speculative development, and planning history. Two observers voiced support for the applicant, with one observer being a local Councillor. The final observation was from the applicant's engineer in response to technical matters raised by other observers.

4.0 Planning History

4.1. Subject site

- 4.1.1. Reg. Ref. 08735: Outline permission to erect a single storey dwelling, septic tank with wastewater treatment system, water bore hole, garage and entrance refused by the Planning Authority in 2008. Application was refused on grounds of visual amenity, information submitted in relation to wastewater, and local need.

4.2. Nearby sites:

- 4.2.1. None. I note the large number of applications referred to by the appellant. Having reviewed those cases I do not consider they are directly relevant to the subject case.

5.0 Policy Context

5.1. National guidelines and strategies

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

Environmental Protection Agency 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 Guidelines 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 and County Development Plan 2022-2028. I note the following:

Section 2.10 'Rural Areas', General Housing Objective H02, and 'Protection of Existing Residential Amenity Policy Objectives' H20.

Section 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"*.

'Ribbon Development Policy Objective' H29, and Sections 7.11 'Housing in Rural Villages and the Open Countryside' and 7.11.4 'Ribbon Development'.

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).

'Hedgerow Policy Objective' Objective BD20.

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' including Section 8.6 'Sightline Requirements'.

Section 9.0 'Other Development Considerations' including Section 9.2 'Site Boundaries'.

Appendix 8, Section 5.1 'Scenic Routes'

5.3. Natural Heritage Designations

- 5.3.1. Blackwater River (Core/Waterford) SAC is approx. 2.74km to the south, and Blackwater Callows SPA is approximately 2.9km to the south-east.

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 Brendan & Siobhan Brophy of Gortnapeaky, Ballyduff Upper, the main points of which are summarised as follows:

- Percolation tests: Trial holes were dug, tested and filled a number of days prior to the dates stated, and were carried out over one day rather than 2 days as stated. The results are therefore false and should be disregarded;
- Site suitability report: Appeal states the report indicates there are no drainage ditches or springs within 250m of the site. Appeal states there is a drainage ditch across the road from the site and that there are springs within the appellant's property which it states is in the same field as the subject site. Appeal states the site suitability report should be disregarded;
- Bore Well: Proposed bore well would be adjacent one of appellant's soakaways for disposal of domestic wastewater and adjacent the underground drainage pipe. This is a public health risk;
- Underground stream in neighbouring farm: Proposed percolation is in front of / adjacent a neighbouring property with an underground stream. There is a risk

to water supply of the neighbouring property. The site is unsuitable for disposal of domestic wastewater and any development on the site is a public health risk;

- Submissions: Due to timing of submissions on the application the appellant was not allowed to respond to points made by the applicant;
- Precedent: Appeal sets out information on land ownership and planning history in the area. Appeal states their fear the area could develop into a ribbon development and destroy the visual, sensitive and rural aspect of the area. Permitting the development would set a precedent;
- Garage: Planning authority considered the garage size excessive and it was not reduced in size in response to Further Information. Applicant did not show the dwelling and garage elevations together which would highlight the visual impact from the north & south of the site. Appeal questions the size of the garage and if it would be used for residential purposes in the future given the windows and doors outlined;
- Erection of profiles: Applicant erected profiles of the dwelling on the site to indicate its size but these were misleading;
- Previous reason for refusal: Previous application on the site (Reg. Ref. 08/735) was refused for 3 no. reasons (impact on visual amenity; disposal of domestic wastewater; & housing need). None of these reasons have been dealt with. The visual amenity is more exposed due to loss of trees from storms and the site is overlooked by wind turbines. The adjacent springs and poor drainage mean the site cannot effectively dispose of domestic wastewater. The applicant as a returning emigrant was not required to show plans for returning as the applicant for Reg. Ref. 2412 was required to show;
- Visual impact: Applicant failed to demonstrate visual impact from south, southeast and southwest. The site is prominent overlooking the Blackwater Valley, and the site is sloped and at a height and would be seen from all aspects of the Valley. Appeal also refers to cumulative visual impact.

7.1.2. The appeal includes photographs, drawings and maps including the location of ditches, wastewater systems; wells and soakaways. Appeal also includes a copy of the submitted Site Suitability Report with annotation.

7.2. First-Party Response to Third-Party Appeal

7.2.1. A first-party response to the third-party appeal was received, prepared by the applicant's engineer, summarised as follows:

- Percolation test & Site suitability report: Response includes a response from a separate engineer on behalf of the applicant. A letter from appellant's engineer sets out details of their experience & qualification and states the assessment complies with EPA Code of Practice for Single Houses 2021;
- Bore well: The bored well is 45m from the proposed percolation area in accordance with EPA Code of Practice where 15m is required;
- Soakaway: The soakway shown in the appeal is a stormwater soakaway. There is no requirement for separation between the two features, although a separation of c.13m would be achieved. This was shown in the application;
- Underground stream: The proposed percolation area is c.160m from the suggested underground stream, which accords with EPA Code of Practice of 10m. There is no evidence of this stream on geological maps. Aerial images and Land Registry maps indicate a man-made drain at this location;
- Percolation area: The percolation area is c.115m from the bored well for the property to the southwest of the site, which accords with EPA Code of Practice. There is no evidence of that well on aerial imagery or Land Registry maps;
- Application submissions: Applicant responses were made within the allocated timeframes; the respond to issues raised, and were not inappropriate;
- Visual impact: Dwelling will not be visible from the L-1000-29 scenic route. Response sets out details regarding different views relating to the property and states that views will be screened or not obstructed. Response states that in response to further information the garage was amended so that the appellant's views of wind turbines to the north-west will not be obstructed;
- Speculative development: Response sets out details of property sales related to the site owner. Response states the sale of the subject site has been agreed subject to the grant of planning permission. Response states that irrespective of the owner's reasons for selling, residential development in the area is restricted

to applicants with a genuine housing need. The Planning Authority accepted the applicant qualifies in these regards and as such the application is not speculative;

- Planning refusals in the area: Response sets out reasons why other applications in the area were refused;
- Garage: Garage height and location was amended as requested with the proposed loft omitted, thus reducing the garage scale;
- Dwelling profiles: Response states that profiles were erected on site as the advice received by the applicant on the preparation of a 3D visual impact assessment was that preparation of same would be pointless due to lack of viewpoints of the dwelling from west, south and east;
- Previous reason for refusal: Information submitted for Reg. Ref. 08/735 was deemed insufficient to demonstrate the proposed dwelling would not be injurious to visual amenity of the area. Applicant considers sufficient information has now been submitted but can submit 3D information if required.

7.2.2. The supporting letter from the appellant engineer further addresses local springs. It refers to publicly available maps and the author's visual inspection and states there are no springs within 500m of the site. In relation to drainage ditches, the response states the appellant indicates there is a drainage ditch 150m uphill of the percolation area and that if this is the case it has no bearing on the referenced percolation area.

7.3. Further Responses

7.3.1. None.

7.4. Planning Authority Response

7.4.1. None.

7.5. Observations

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 all of the submissions received in relation to the appeal; 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:

- Design, form, and visual impact;
- Site suitability, local water quality and public health;
- Previous reasons for refusal;
- Related matters raised in the course of the appeal, including procedure, precedent, and use of the garage.

8.2. Design, form, and visual impact

8.2.1. I have reviewed the appeal points in relation to design and visual impact, as well as the documents on file, the revised drawings submitted at further information stage. I have visited the site and surrounding area.

8.2.2. Regarding principle of development, having regard to the provisions of the Development Plan, including the location of the site in an Area Under Strong Urban Influence, I am satisfied the proposed dwelling is acceptable in principle, subject to the considerations below.

8.2.3. Regarding the house design and size, the development as revised at further information comprises a single-storey dwelling measuring approximately 5.7m in height at maximum, however given the varying height proposed some elements would be approx. 4.3m in height. I note the proposed changes in ground levels around the house would see a reduction in ground level by approx. 1m at maximum to the rear and an increase of approx. 2m at maximum to the front. This would have the effect of increasing the footprint of the works but also sitting the dwelling into the landscape and ensuring the finished level of the house is unduly elevated. The dwelling would have a courtyard layout. The roof would be pitched. The dwelling would be finished in blue-black slate and render, with the porch/portico finished in

stone. I consider the overall design and form would be reasonably simple, with good variation. Overall I consider the dwelling would not be out of place in the area.

8.2.4. Regarding the garage, contrary to the appellant's comments, the height was lowered to match the dwelling in response to further information (from 6.513m to approx. 5.7m at maximum). I consider this was warranted. The garage would measure approx. 10.5m by 7.5m and would be finished in render and blue-black slate, with the western elevation finished in stone. The overall appearance would generally match that of the dwelling and be of reasonably a good quality. Given the nature of residential and other buildings in the area, overall I consider the garage is reasonable and its size is not excessive.

8.2.5. Regarding visual impact of the development, I consider the following:

- I note the appellant's point that a contiguous elevation showing the dwelling and garage was not submitted. I am satisfied the drawings submitted are sufficient to assess the visual impact of the development. I also note the points on file that the 'profiles' erected on the site were misleading; such aids are not a planning application requirement and were not in place at the time of my site visit. I am satisfied the drawings and other information submitted are satisfactory;
- Regarding the visual impact of the development in comparison to the development previously refused on the site, I note the previous application was for outline permission and that application showed only a plan drawing with no elevations. As such I do not consider a comprehensive comparison is possible;
- Regarding visual impact from south, southeast and southwest, and the prominence of the site overlooking the Blackwater Valley, the site is located broadly speaking close to the top of the Blackwater Valley on the northern side. The topography slopes away to the south toward the Blackwater River which is some 3km to the south. I note that whilst the dwelling is in a relatively elevated position along the northern side of the Blackwater Valley it would generally sit within the elevated landscape to the north. I also consider that there is strong screening to the east and west of the site in the form of mature trees and hedgerows. In this regard, the closest public vantage points to the south, south-east and south-west are the R666, which is some 2.75km away. I note two local roads that run to the south-east and south-west of the site; whilst the dwelling

would be partly visible from these roads when in close proximity, I consider the dwelling would be reasonably well-screened. I have had regard to the information and photographs submitted by the appellant. On balance I consider the proposed dwelling would be well screened within views from the south-east and south-west, and would be at too great a distance to generate a significant visual impact from views to the south.

- 8.2.6. I note that tree and hedge planting is proposed along the southern boundary. In the interests of local visual impact and residential amenity I consider that a condition for agreement of screen planting along the southern boundary is required.
- 8.2.7. In relation to the appellant's point that the development would be visible from the "L-1000-29 scenic route". Development Plan Appendix 8 Section 5.1 'Scenic Routes' identifies routes along which there is an onus to demonstrate there will be no obstruction or degradation of the views identified. Whilst I see no reference to the 'L-1000-29' in the Plan I note that parts of the R666 are identified as a scenic route. As set out above the R666 is some 2.75km away at nearest. I am satisfied the development would have minimal if any visibility from the identified scenic route.
- 8.2.8. Having regard to the foregoing, and having visited the site and surrounding area, I am satisfied the proposal is acceptable in these regards, subject to condition.

8.3. Site suitability, Local water quality and public health

- 8.3.1. The appellant makes a number of points in this regard. I address each in turn below.

Percolation tests

- 8.3.2. The appeal states the percolation test was not undertaken correctly, and that the results should be disregarded. I have reviewed the Site Suitability Report (SSR) and letter from the applicant's engineer. I have also reviewed the appellant's annotated version of the report. I see no evidence the percolation test was undertaken incorrectly or that it should be disregarded.

Drainage ditches & springs

- 8.3.3. The appeal states there is a drainage ditch across the road from the site and springs within the appellant's property and that as such the SSR should be disregarded. The appeal also states there is an underground stream on a neighbouring farm and the

proposed percolation area will present a risk to the water supply of that farm. I note the appellant's annotated maps show locations for the referenced features. The applicant response to appeal addresses these specific matters.

8.3.4. I inspected the site and surrounding area, and I have had due regard to the information submitted by the applicant and appellant, and relevant publicly available records. I consider the following:

- In relation to the referenced drainage ditch across the road, given the topography of the area and of the subject site which slope generally away to the south from this ditch, I am satisfied the development would not impact field drainage systems to the north;
- In relation to springs within the appellant's property, I see no evidence of same either on-site or on public records. The appellant indicates the springs flow through their property and to the east of the subject site. As such I am satisfied there would be no significant interaction with the subject development;
- In relation to a referenced underground spring feeding into the water supply of a neighbouring farm, again I see no evidence of same on public records or from my site visit, and no other submissions in this regard are recorded on file. The appeal indicates the referenced underground stream, farm, and well are to the south-west. The applicant's engineer addresses this matter and states there is no evidence of a stream; that there would be 160m between the suggested stream and the proposed percolation area; and that the referenced neighbour well exceeds the 10m required by the EPA Code of Practice. In this regard, the applicant's engineer also addresses the distance between the proposed percolation area and well serving the neighbour farm to the south-west and states that the distance would be approx. 115m which accords with EPA Code of Practice. Given the topography of the site I do not consider there would be significant interaction between the proposed treatment system and the referenced farm and underground stream.

8.3.5. In my assessment I have had regard to the location of the referenced water bodies, water features and drainage systems, and the distances involved, relative to the proposed development. I note that on the publicly available EPA mapping the closest waterbody to the south is the Lyre West stream which is a tributary of the

Blackwater. Whilst downhill of the site, it is located approximately 615m to the south. For completeness I note the Paddocks stream is closer, at approx. 560m however is located to the west and at a similar elevation. Having regard to the foregoing, I am satisfied the proposal is acceptable in these regards.

Bore well

- 8.3.6. The appellant states the proposed well would be adjacent the appellant's soakaway for disposal of domestic wastewater and an underground drainage pipe.
- 8.3.7. I note the appellant indicates their wastewater soakaway is on the western boundary of their site alongside the proposed borewell. I also note the appeal includes evidence of a surface level pipe in their property rather than a sub-surface pipe.
- 8.3.8. The applicant's response to appeal prepared by their engineer addresses each of these matters. It states all required distances as set out in the EPA Code of Practice have been exceeded. It states the proposed bore well would be 45m from the percolation area but that only 15m is required by the EPA Code of Practice. It states the soakaway indicated in the appeal is the appellant's stormwater soakaway; that there is no requirement for a separation between the two features; but that in any event a distance of 13m would be achieved.
- 8.3.9. I have reviewed the provisions of the Development Plan and EPA Code of Practice in these regards. I have had regard to the information submitted by the appellant and applicant. I have also had regard to the topography of the area; the relative locations and elevations of the referenced soakaway and pipes and proposed well. Having regard to the foregoing I am satisfied the proposal is acceptable in these regards.

8.4. Previous reasons for refusal

- 8.4.1. Outline permission for a single storey dwelling and related works was refused by the Planning Authority in 2008 on grounds of visual amenity, information submitted in relation to wastewater, and local need. That application dates from 17 years ago and was assessed under the 2005-2011 Waterford County Development Plan. It was not appealed to the Board / Commission. Regarding the first refusal reason in that case, I have commented above in this regard. Regarding the second refusal reason in that case, it stated the applicant had not demonstrated the proposed wastewater proposals were acceptable; I am satisfied the applicant in the subject case has

provided the appropriate information. Regarding the third refusal reason in that case, the applicant was considered to not qualify in terms of local need; I am satisfied the applicant in this case does qualify.

8.5. Related matters raised in the course of the appeal

Procedure

- 8.5.1. The appellant raises issue with the timing of submissions made during the application process, and states they did not have sufficient opportunity to respond to the applicant's submissions during the application process. The appellant made 2 no. submissions during the application process. The Planning Authority recorded all valid submissions on file. I have had regard to the submissions made during the application process. I have had regard to all of the appellant's points made as part of their appeal. I am satisfied the appellant has appropriate opportunity to raise issue during the application and appeal processes.

Precedent

- 8.5.2. I note the appeal points in this regard. I have had regard to the provisions of Objective 'Ribbon Development Policy Objective H29', and Sections 7.11 'Housing in Rural Villages and the Open Countryside' and 7.11.4 'Ribbon Development' of the Development Plan. The Development Plan defines ribbon development as 5 or more houses on any one side of a given 250m of rural road frontage. I have reviewed the application and surrounding area, and I am satisfied the development would not give rise to ribbon development and is consistent with the planning policy for the area.

Future use of garage

- 8.5.3. I note the appeal points in this regard. The applicant omitted the proposed loft from the garage in response to Further Information. I am satisfied the garage would be ancillary to the proposed dwelling and would not comprise a separate dwelling unit. I note the provisions of the Planning & Development Regulations 2001, as amended, in this regard. I am satisfied that a condition should be attached restricting the future use of the garage similar to Condition 7 as attached by the Planning Authority.

Conditions

- 8.5.4. Regarding conditions, I consider the following:

- Condition 2 of the Planning Authority decision related to conditions of occupancy. I consider that a standard condition in this regard is required.
- Condition 3 related to road drainage, access and road boundary details and maintenance. Condition 9 related to requirements for surface water runoff. I consider that standard conditions in these regards are warranted.
- Condition 4 related to water supply. Given the nature of water supply proposed I do not consider such a condition is warranted.
- Condition 5 related to installation and maintenance of the wastewater treatment system. I consider that a standard condition in this regard is warranted.
- Condition 6 related to requirements for the roof and external wall treatment. I note the information submitted with the application, however given the location, I consider that standard conditions in this regard are warranted.
- Condition 7 restricted the use of the garage to exclude habitable or commercial purposes. Having regard to information submitted, I consider that a revised condition in this regard is warranted.
- Condition 8 related to requirements for boundaries. Given the site location I do not consider that a raised earthen berm is appropriate along the southern boundary, although as set out above I consider that details of the screen planting proposed along the southern boundary are necessary.
- Condition 10 related to contributions; standard conditions in this regard are required.

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 Blackwater River (Core/Waterford) SAC and Blackwater Callows 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. 560m east of the Paddocks stream and approx. 615m north of the Lyre West stream. The proposed development comprises a dwelling. I have assessed the 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 the small scale and nature of the development, and 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 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 County Development Plan 2022-2028, including 'New Homes in the Open Countryside Policy Objectives' 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; 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 received by the Planning Authority on the 26TH day of September 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 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</p>

	meeting essential local need in the interest of the proper planning and sustainable development of the area.
3.	<p>The garage permitted herein shall be used solely for purposes incidental to the enjoyment of the dwelling; it shall not be used for habitable or commercial purposes without a prior grant of planning permission.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area</p>
4.	<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>
5.	<p>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) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the southern boundary, consisting predominantly of trees, shrubs and hedging of indigenous species, and shall be protected from grazing animals by stock-proof fencing. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works;</p> <p>(b) The existing front boundary hedge and fence 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> <p>(c) Any plants which die, are removed or become seriously damaged or diseased,</p>

	<p>within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development, in the interest of visual amenity.</p>
7.	<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>
8.	<p>The following shall be complied with:</p> <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 [date] 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>
9.	<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</p>

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

Dan Aspell
Inspector
21st August 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-321214-24
Proposed Development Summary	Construction of a house.
Development Address	Gortnapeaky, Ballyduff Upper, 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:** __ 18th August 2025__

Form 2: EIA Preliminary Examination

Case Reference	ABP-321214-24
Proposed Development Summary	Construction of a house.
Development Address	Gortnapeaky, Ballyduff Upper, 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 village. The proposed development has a small 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 not of historic, archaeological, heritage or cultural significance. Given the scale and nature of development and its location there will be no significant environmental effects arising.
Types and characteristics of potential impacts	Having regard to the characteristics and small 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:** _18th August 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 house.		
Brief description of development site characteristics and potential impact mechanisms		Site measures 0.584ha and comprises grassed agricultural land. Blackwater River (Core/Waterford) SAC is approx. 2.74km to the south, and Blackwater Callows SPA is approximately 2.9km to the south-east		
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
Blackwater River (Core/Waterford) SAC (002170)	https://www.npws.ie/protected-sites/sac/002170	2.74km	No feasible connection.	No
Blackwater Callows SPA (004094)	https://www.npws.ie/protected-sites/spa/004094	2.9km	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 River (Core/Waterford) SAC (002170) 1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1092 White-clawed Crayfish <i>Austropotamobius pallipes</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaite Shad <i>Alosa fallax</i> 1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water) 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1220 Perennial vegetation of stony banks 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1355 Otter <i>Lutra lutra</i> 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 1421 Killarney Fern <i>Trichomanes speciosum</i>		No direct, indirect, ex situ or in combination impacts.	No significant effects likely.	

3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 91E0 *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) 91J0 *Taxus baccata woods of the British Isle The Conservation Objectives for the SPA are to maintain and 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	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 Callows SPA (004094) A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas penelope A052 Teal Anas crecca A156 Black-tailed Godwit Limosa limosa A999 Wetlands The Conservation Objectives for the SPA are to maintain and 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	
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 River (Core/Waterford) SAC and Blackwater Callows 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.		