



An
Bord
Pleanála

Inspector's Report ABP-321807-25

Development	Construction of 40 houses and all associated site works.
Location	Coxtown, Dunmore East, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2460466
Applicant(s)	S & K Carey Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Bernadette Hurley Woodstown Bay Shellfish Ltd Michael & Hilary Griffin.
Observer(s)	None.
Date of Site Inspection	17 th April 2025
Inspector	Jennifer McQuaid

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History	10
5.0 Policy Context	12
5.1. Development Plan	12
5.2. National and Regional Policy	15
5.3. Natural Heritage Designations	16
5.4. EIA Screening	16
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.2. Applicant Response	19
6.3. Planning Authority Response	20
6.4. Observations	20
6.5. Further Responses	21
7.0 Assessment	21
8.0 AA Screening	31
9.0 Recommendation	31
10.0 Reasons and Considerations	31

11.0	Conditions	32
Appendix 1 – Form 1: EIA Pre-Screening & EIA Preliminary Examination		

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Coxtown and within the development boundary of Dunmore East, Co. Waterford. The site is located approximately 800 metres to the southwest of the Dunmore East Harbour along Convent Road and approximately 12km from Waterford City. The site area is 1.6ha and is relatively rectangular in shape. The site is located between detached dwellings and located approximately 250 metres from the coastline.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 40 no. dwellings consisting of:
- 4 no. 2 bed terraced bungalows
 - 15 no. 3 bed semi-detached bungalows
 - 19 no. 3 bed semi-detached and terraced storey and half dwellings
 - 2 no. 4 bed semi-detached storey and half dwellings
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 24 Conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Dunmore East is classed as an “Urban Town” (Class 3B) as designated in Table 2.2 of Chapter 2 of the Waterford City & County Development Plan 2022-2028 (CDP). The subject site is zoned as “New Residential”; therefore, it is considered the proposed development is acceptable in principle.

- Objective D06 relates to the overall site: Development proposed on this site shall have regard to the topography of the site and shall have an appropriate/sympathetic approach to design which utilises the existing contours and respects the established pattern of development in the vicinity. Having regard to the site location, site zoning and topography of the area and the house types proposed it is considered that the proposal as submitted respects the pattern of development in the area. In relation to building line which was referenced in a number of submissions/observations, owing to the site's location in the village and subject to an appropriate setback to provide widened footpath, that the setback from the public road provides an appropriate urban edge/streetscape at this location.
- Further information shall be requested in terms of compliance with private open space.
- Sites 13 to 24 back onto 2 no. adjoining residential properties, additional section drawings are required to fully assess potential impact of the proposed development on said properties. Site No. 13 shall be reduced to single story and/or setback to reduce impact on existing dwelling.
- Rear windows of House No. 21-24 may result in overlooking of private amenity space, revised plans required to eliminate potential for overlooking from upper floor windows of the identified sites.
- The overall height of house no. 32 should be reduced to reflect the pattern of development in the area and would form an incongruous feature.
- Additional section drawings requested indicating the existing and proposed site levels, boundary treatments, the adjoining south single-story dwelling and each one of the adjoining properties and shall include the proposed area of open space ("green open space" "swale") relative to adjoining properties at that location.
- A DMURS compliance/Quality Audit Safety is required and details on how the roadside boundary will be removed to achieve sightlines, a footpath is required to the front of the boundary. An ecological report is required in relation to the existing roadside boundary. If the proposed footpath impacts

existing services, these shall be relocated. A vehicle swept path analysis shall demonstrate refuse vehicle and fire tender movements throughout the site.

- Revised site layout showing pedestrian crossings amended to terminate at the green spaces shown between the car parking areas, provide an extra pedestrian crossing from the approximate northwestern corner of No. 26 across to site no's 23/24 is required. The green areas allocated to No's 23 & 24 can be relocated in consideration of same. Address the issue of vehicle parking bays at 1 & 2 which will impede pedestrian and wheelchair movement. Amendments to footpaths. Details of all petrol interceptors and hydrobrake, to include manufacturer maintenance recommendations required.
- Stormwater works are not included within the red line boundary. The applicant proposes to install a new stormwater drain to Convent Road and connect to an existing outfall under the footbridge at Shanoon. It is stated that the new stormwater drain may also be used to divert surface water from existing gullies to Convent Road thus diverting stormwater from the combined sewer at this location. If a new stormwater drains and outfall forms part of the development, please submit a revised site layout including the proposed new stormwater drain and outfall. A letter of consent from 3rd party landowners shall be provided.
- No boundary treatment details submitted and shall be required. All wayleaves shall be identified.
- External bin storage required to the front of mid-terrace dwellings.
- Street lighting design required.
- Confirmation of feasibility from Uisce Eireann required.
- Confirm the site as outlined in red includes all lands in the developer's ownership, i.e. observations on file query the omission of a strip of lands between the site as outlined in red and adjoining lands.

Further Information Report

- The stated Uisce Eireann air vent is outside the site boundary and any relocation shall be carried out by the applicant to the west, based on site layout and site survey details accompanying the application, the vent is

located to the front of the site. An appropriate condition shall be attached to relocating same to facilitate widened footpath at this location.

- All other issues were addressed adequately.

3.2.2. Other Technical Reports

- Metropolitan Area District Engineer: Further information requested for the following items; Swept Path Analysis, Road Safety Audit, confirm set back of 2.4m for sightlines, lighting design, extra demarcation/stop line and stop sign at junction, revised layout for pedestrian crossings and extra proposed, redesign parking bays 1&2 to pedestrian and wheelchair movement, revised footpaths, planting not to impede sightlines, petrol interceptor and hydrobrake. Further information submitted and condition recommended including the provision of a 2-metre-wide footpath parallel to Convent Road and the provision of a Vehicle Swept Analysis for a refuse truck (Poenix 2 Duo or similar).
- Environment: No objection subject to standard conditions for bin storage and Construction and Demolition Resource Waste Management. Note: due to the amount of earthworks proposed in the development, the developer would be advised to plan the earthworks well in advance as the volume of soil to be removed is likely to exceed annual limits of waste soil recovery sites currently permitted. It might be advisable to consult with the environment section in advance of commencing the project to discuss options for recovering the soil.

3.2.3. Conditions

Condition 2: Prior to the commencement of development that following details shall be submitted to, and agreed in writing with, the Planning Authority:

- (a) The roadside boundary shall be setback to provide a 2-metre-wide footpath to the front of the site. Prior to the commencement of development, the final layout and design specifications for the roadside boundary setback to provide a 2-metre-wide footpath to the front of the site shall be agreed with the Roads Section, Waterford City & County Council. A copy of the agreed revised details and written confirmation from the Roads Section, Waterford City & County Council shall be submitted to, and agreed in writing with, the Planning

Authority prior to the commencement of development. The agreed roadside setback and footpath provision shall be carried out by the developer to the satisfaction of the District Engineer, Roads Section, Waterford City & County Council.

- (b) Prior to the commencement of development, the final layout and design specifications for the intersection of footpath and the estate road, and the homezone roads and adjoining paving in the curtilage of the dwellings, shall be agreed with the Roads Section, Waterford City & County Council. Detailed site layout drawings which clearly indicates the appropriate levels of all roads, footpaths, and curtilage areas including a number of appropriate cross section drawings shall be agreed with the Roads Section. A copy of the agreed revised details and written confirmation from the Roads Section, Waterford City & County Council shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.
- (c) Prior to the commencement of development, the final design details/specifications for all kerbing shall be agreed in writing with Roads Section, Waterford City & County Council. Unless otherwise agreed in writing with Roads Section, Waterford City & County Council details of which shall be submitted to, and agreed revised details and written confirmation from the Roads Section shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.
- (d) Prior to the commencement of development, a revised swept path analysis clearly demonstrating refuse truck (Phoenix 2 Duo or similar) movements throughout the site shall be agreed in writing the Roads Section, Waterford City & County Council. It shall be demonstrated to the satisfaction of the Roads Section, Waterford City & County Council that adequate turning areas are provided within the site for refuse vehicles. If required as a result of the revised swept path analysis, the layout shall be revised accordingly and a copy of the revised with, the Planning Authority prior to the commencement of development.
- (e) Prior to the commencement of development full and detailed specifications for the petrol interceptors and hydrobrakes, to include manufacturer maintenance

recommendations, shall be submitted to, and agreed in writing with, Roads Section, Waterford City & County Council. A copy of the agreed revised details and the written confirmation from Roads Section shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

The development shall be carried out in accordance with the agreed revised details.

Reason: In the interest of public safety and the proper planning and sustainable development of the area.

Condition 6(c): Prior to commencement of development written confirmation from Uisce Eireann in relation to relocation of sewer vent located to the front boundary of the site (the location of the sewer vent shall be setback to enable footpath widening) shall be submitted to, and agreed in writing with, the Planning Authority. No development shall commence until such a time as Uisce Eireann has consented to the relocation of the sewer vent.

Reason: To provide adequate water and wastewater facilities.

Condition 21(b): Prior to commencement, a revised boundary treatment plan shall be submitted to, and agreed in writing with, the Planning Authority. The revised plan shall provide a 1.8 metre high plastered blockwork boundary wall to the rear of sites 32 to 40 inclusive, 13 to 23 inclusive and sites 1 to 4 inclusive (marked as a dark blue line on "Proposed site layout plan – Landscaping & boundary treatment details" Drawing No. 005 submitted to the Planning Authority on the 3rd December 2024)

Reason: In the interest of clarity, the protection of amenities, the environment and public safety and for the proper planning and sustainable development of the area.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

Nine third party observations were received; the following concerns were raised:

- Design is not in character for the area. Density too high. Lack of details in relation to levels & sections. Lack of open space.
- Overlooking & Overshadowing.
- Impact on structural integrity of adjoining properties.
- Boundary treatment details.
- Inclusion of a swale & underground tanks.
- Traffic, noise and disturbance once complete.
- DM01 Green Infrastructure and DM48 hedgerow protection.
- Construction work impact
- Wastewater & public water capacity
- Water Quality & potential flooding.
- Impact on emergency services and existing services in the village & harbour.
- Contravene development plan objectives and policy ENV 01
- Access to adjacent lands
- No EIAR or NIS or Water Framework Directive.
- No wayleaves identified.
- Impact on footpath and future cycle path layout.
- Public consultation timescales for observations/submissions.
- Planning history
- No consent from adjoining landowner even though site boundary extends into third party lands.
- Development should be in accordance with the Planning and Development Act and Regulations.

4.0 Planning History

ABP-304962-19 (PA: 18798): Permission refused for dwelling.

Having regard to:

- The location of the site on R1 zoned and serviced land within the development boundary of Dunmore East.
- The density of 1.27 dwellings units per hectare proposed, which is below the density figure of 20 units per hectare set out in the Waterford County Development Plan 2011-2017 for R1 (medium density) zoned land, and significantly below both the density ranges of 30-40+ dwellings per hectare in a centrally located site and 20-35 units per hectare in an edge-of-centre site as set out in Chapter 6 (Small Towns and Villages) of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages)”, 2009, and
- The conflict between the low density proposed and certain National Policy Objectives (NPO) set out in Project Ireland 2040 National Planning Framework, such as NPO 18a and 33, in this regard,

It is considered that the proposed development would not be of sufficiently high density to provide for an acceptable efficiency in serviced land usage, and that the low density proposed would be contrary to the proper planning and sustainable development of the area.

06154: Permission refused for 32 dwellings in summary for:

- Premature pending the construction and commissioning of a new public sanitation services system in Dunmore East, being prejudicial to public health.
- Design and layout and inadequate quality of public open space would seriously injure the residential amenity of future occupiers and the amenities of the area.

79887: Permission refused for 22 dwellings.

Adjoining site:

ABP 322155-25 (PA: 2460437): Under appeal for construction of 3 no. dwellings. Decision due on 30th July 2025.

ABP-313873-22 (PA: 22269): Permission refused for 3 no. dwellings for the following reasons:

1. As shown on the Land Use Zoning Map in Volume 4 of the Waterford City and County Development Plan 2022-2028, the subject site is on land zoned “New Residential” and Specific Development Objective DMD06 (Objective D06) provides that regard be had to the topography and the established pattern of development in the vicinity. The Board considered that the height, design and layout of the proposed development and the provision of two-storey houses on this elevated site with views to the sea within the coastal landscape area of Dunmore East would be contrary to Specific Development DMD06 (Objective D06), and to Housing Policy Objective H02 of the development plan. Having regard to Specific Development Objective DMD06 (Objective D06) and to Housing Policy Objective H02, the proposed development would be piecemeal and it has not been demonstrated to the satisfaction of the Board that the proposed development would be integrated and connected to the surrounding area in which it is located. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in the creation of a new vehicular entrance and increase in traffic movements to and from the site, adjacent to the existing entrance and access road to the west onto this busy local road. In view of the configuration of the proposed access and proximity to the existing access, it has not been demonstrated in the documentation submitted, to the satisfaction of the Board, that the proposed development would not lead to proliferation of entrances and to traffic hazard for road users. In addition, it has not been demonstrated to the satisfaction of the Board that it would not adversely impact on access to the future development of the residentially zoned land to the east of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

Waterford County Development Plan 2022-2028

The subject site is zoned as R1, and the objective is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.

Appendix 2 of the CDP outlines general policy objectives for Waterford County and individual settlements.

DMDO6 relates to the subject site and the objective is that any development proposed on this site shall be required to have regard to the topography of the site, and shall have an appropriate/sympathetic approach to design which utilises the existing contours and respects the established pattern of development in the vicinity.

Volume 1 Housing Policies and Objectives

H01: To promote compact urban growth through the consolidation and development of new residential units on infill/brownfield sites.

H02: In granting planning permission, to seek to ensure new residential development:

- Is appropriate in terms of type, character, scale, form and density to that location.
- Is serviceable by appropriate supporting social, economic and physical infrastructure.
- Is serviceable by public transport and sustainable modes such as walking and cycling.
- Is integrated and connected to the surrounding area in which it is located; and,
- Is designed in accordance with the applicable guidance and standards of the time (these are listed).

H04: This seeks to promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities.

A number of additional points support integrated and sustainable residential development.

H17: This seeks to encourage the establishment of attractive, inclusive and sustainable residential communities in existing built-up areas and new emerging areas including by:

- Ensuring a suitable variety and mix of housing and apartment types, and sizes/tenures is provided in individual developments to meet the lifecycle adaptation of dwellings and the differing needs and requirements of people and families.

This supports housing mix and integrated and sustainable residential development.

H18: This requires that all new residential development incorporates measures to enhance climate change.

A number of measures are referred to and this includes regard to utilising SuDs.

H20: Where new development is proposed, particularly on smaller suburban infill sites (< 1ha in area) this seeks to ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected.

This includes to support lower density type of development at these locations. To require that new development in more established residential areas respect and retain, where possible, existing unique features which add to the residential amenity and character of the area.

Volume 2 Development Management relates to standards for residential development.

DM04 includes Applications will be required to adhere to the guidance contained in the “Urban Design Manual – A Best Practice Guide” (Department of the Environment, Community and Local Government, 2009)

Criteria also include: the overall character and scale of the settlement, infrastructure capacity such as water/wastewater and surface water disposal available, areas susceptible to flooding, car parking, traffic safety and pedestrian movements, the protection of residential amenity of existing adjacent dwellings in the area etc.

DM05: Supports increases in residential densities in appropriate sustainable locations.

DM06: Supports variety in house/dwelling types.

Section 3.4.2 refers to General Residential Development Design Standards.

Table 3.1 provides the criteria for New Residential Development in Urban Areas.

DM09 relates to estate naming.

Section 4.7 refers to Off-street Parking in Residential Areas

DM10: criteria for drive-ins/front garden parking.

Section 7.0 refers to Parking Standards.

Table 7.1 refers to car parking standards with reference to dwelling as 1 space per 1-2 bedrooms, 2 spaces per 3 bed +, for every 4 residential units provided with only 1 space, 1 visitor space shall be provided in addition.

DM 40 relates to bicycle parking criteria.

Table 7.3 relates to Bicycle Parking Standards for residential developments.

DM 41 relates to providing cycle parking for residential areas.

Section 8.6 refers to Sightline Requirements in accordance with DMURS.

Section 8.7 refers to Sightline Provisions for clear unobstructed sightlines.

Section 8.8 refers to DMURS.

Policy DM 47 refers to urban areas where developers shall have regard to best practices standards as set out in Design Manual for Urban Roads & Streets (DMURS).

Section 8.9 refers to Hedgerow Protection

DM 48 refers to protection of hedgerows.

5.2. National and Regional Policy

- Project Ireland 2040: National Planning Framework, 2018

- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019 ('DMURS')
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009
- Urban Design Manual: A Best Practice Guide, 2009
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities

5.3. Natural Heritage Designations

The subject site is not located within a designated site. The nearest sites are identified as follows:

- Dunmore East Cliffs pNHA (site code: 000664) is located c. 200metres east of the subject site.
- Seas off Wexford SPA (site code: 004237) is located c.1.36km north & west of the subject site.
- Hook Head SAC (site code: 000764) located c. 3km east of the site on the other side of the bay.
- River Barrow and River Nore SAC (site code: 0021262) is located c. 3.6km northeast.
- Tramore Back Strand SPA (site code: 004027) is located c.4.8km to the west of the subject site.

5.4. EIA Screening

- 5.4.1. The proposal relates to 40 no. dwellings on a zoned site within the designated “urban town” of Dunmore East with connection to public sewer and public water. The site is not within a protected or designated site. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the

environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to Form 1 and Form 2 as per Appendix 1 below

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from local residents and a local business, the concerns raised are:

- Planning Policy: Proposal contravenes DO11 of the CDP, the proposed development does not take account of the topography, design of adjacent properties, existing contours. The proposal is not in accordance with Chapter 1 of the CDP to protect, and where appropriate enhance our valued assets and resources, including biodiversity, the historic and natural environment, and our cultural heritage or under section 1.3.2 “nurture our places to their full potential and protect, and enhance our environment. Section 1.4 “with conservation and protection of the environment”.

Non-compliance with Specific Development Objectives D07 which states “any design proposal shall include a strong building line to the public road”. House numbers 1, 5, 6 and 32 on the revised submitted site plan project beyond this line. They should be conditioned to a more suitable area within the site to help maintain visual harmony and prevent irregular setbacks along the public road while preserving the unique features that contribute to the area’s residential character and amenity.

- Planning Conditions: Condition 6(c): Prior to commencement of development written confirmation from Uisce Eireann in relation to relocation of sewer vent located to the front boundary of the site (the location of the sewer vent shall be setback to enable footpath widening) shall be submitted to, and agreed in writing with, the Planning Authority. No development shall commence until such a time as Uisce Eireann has consented to the relocation of the sewer vent.

The confirmation should have been sought during the planning process.

Condition 7(a): Prior to commencement of development the developer shall consult with Uisce Eireann and the Waterford City and County Council Water Services Drainage and Water Engineers regarding compliance with water network, water metering, storm and foul drainage measures to serve this development.

It is submitted that this request is retrospect, this should have been submitted with the application and should have been refused by Planning Authority as it does not comply with the legal requirements set down by the Foreshore Act 1933.

- Material Contravention: Proposal material contravenes policy ENV01 of the CDP which states it is a policy of the council to achieve the objectives of the Water Framework Directive (2006/113/EC) allowing additional sewage loading into Dunmore East sewerage system and DM1 of the CDP in relation to sightlines.
- Foreshore Licence and an effluent licence: Direct contravention to the objectives of the Shellfish Water Directive (2006/113/EC), Water Framework Directive (2006/113/EC) and The Bathing Waters Directive (2006/7/EC). Any new discharge to sea will require a Foreshore Licence and an effluent licence.
- EIA: EIAR required and must assess the impacts from the proposed stormwater main, which will require a Foreshore Licence. The main should be included on all drawings and within the red line boundary. Cumulative Impact about drainage/servicing of the site have not been properly assessed particularly in regard to its increased discharges on the European Natura 2000 sites nearby. Permission should be refused.
- Ecology: Ecological Assessment of Roadside Boundary is not robust enough. No assessment of likely risk to habitats and species arising from the proposal. Cumulative impacts have not been assessed.

DM01 requires the Planning Authority to promote the protection of hedgerows, especially along roads where feasible and where possible, hedgerows and landscape features should be identified and preserved. This application has

confirmed removal of the ditch and construction of a new front boundary wall. A more natural boundary should be proposed to comply with Dunmore East Specific Development Objective DO6 and DM 48 objective.

ABP-313873-22 noted “the Waterford City and County Development Plan 2022-2028 referenced H20 Volume One – Housing Policies and Objectives: Where new development is proposed, it should “retain, where possible, existing unique features which add to the residential amenity and character of the area”.

- Hydrology: Insufficient information to demonstrate the proposal would not directly, indirectly or adversely affect the water quality in the surrounding marine environment, namely the River Barrow SAC, River Nore SAC, Hook Head SAC and Tramore Back Strand SPA.
- Water Framework Directive: Water Framework Directive has an obligation on Planning Authority to ensure protection of the waterbodies. Dunmore Harbour is under pressure and at risk of not achieving its objectives. Permission should have been refused given the high-status protection of the water body and the fact that the receiving waters are designated bathing waters, and the proposal will increase sewer loadings.
- Traffic Impact: Proposal is contrary to DM1 of the CDP in relation to sightlines that cannot be achieved by traffic exiting the proposed site entrance and material contravene the CDP. Under planning reference ABP 322155-25 (PA ref: 2460437) a connection between the sites was proposed as per Objective H02. No cumulative impact assessment of traffic on Convent Road.
- Planning History: Inconsistencies in planning history. Under planning reference ABP-313873-22 (PA Ref: 22269), An Bord Pleanála stated the proposal would be contrary to Objective D06.

6.2. Applicant Response

The applicant has made the following comments:

- Density: a minimum of 25 units per hectare as per Compact Settlement Guidelines. The Coxtown site has achieved this.

- Site designed with contours: split-level unit designed to be sympathetic to the sloping nature of the site.
- Established housing height pattern has been respected, the pattern of single, dormer and two storey houses in the area, the max ridge height is 7.7m.
- Uisce Eireann: UE do not engage in addressing technical details at planning stage and these are resolved when an application for connection is made.
- EIAR/Water Framework Directive: no requirement for an EIAR as it does not exceed the threshold. The zoned site is in compliance with water framework directive with the foul sewer discharging to the UE municipal wastewater treatment system (which has significant capacity) and the storm water is discharging to the local authority's system on Convent Road.
- Sightlines: the sightlines at entrance are in compliance with DMURS and this was addressed in the Quality Audit as part of the FI response.
- Adjoining Site: an access through to the adjoining site was designed at first but not subsequently required by the neighbour.
- Hedgerow removal: the hedgerows on the north, east and south elevations are all being retained except for the front boundary hedgerow onto Convent Road. Boundary walls will be built inside the hedgerows, and this is highlighted on the drawings. Roads Section required the front boundary to be removed for a minimum footpath width of 2 metres along Convent Road.
- House Design: the site complies with policy objective D06 and the Compact Settlement Guidelines. Policy Objective D07 refers to a different site on the approach road into Dunmore East.

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

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

- Design, Layout & Compliance with Policy.
- Traffic Impact
- Ecology, Hydrology, Water Framework Directive
- Material Contravention
- Appropriate Assessment

7.2. Design, Layout & Compliance with Policy

7.3. The subject site is located in Dunmore East town and Specific Development Objective DMD06 relates specifically to this site. DMD06 states development proposed on this site shall have regard to the topography of the site and shall have an appropriate/sympathetic approach to design which utilises the existing contours and respects the established pattern of development in the vicinity.

7.4. The grounds of appeal state the proposal contravenes DO6, DO7 and DO11 of the CDP, as the proposal does not take account of the topography, the design of the adjacent properties or existing contours and the building line is not in line with the existing building line. Previously, An Bord Pleanála under reference 313873-22 recommended refusal as the proposal was contrary to objective D06.

7.5. In addition, the grounds of appeal state the proposal is not in accordance with Chapter 1 of the CDP which states to protect, and where appropriate enhance our valued assets and resources, including biodiversity, the historic and natural environment, and our cultural heritage, section 1.3.2 seeks to “nurture our places to

their full potential and protect, and enhance our environment. Section 1.4 relates to conservation and protection of the environment.

- 7.6. I have reviewed DO7 which relates to a site along the Killea Road to the north of Dunmore East and DO11 which relates to a site northwest from Dunmore East town centre of the CDP and therefore DO7 & DO11 are not applicable to the subject site. DO6 relates to the subject site and the adjacent site (under separate ownership and separate planning reference ABP 322155-25 (PA: 2460437)). In this regard, I will assess the proposed development in relation to DO6 which states development shall have regard to the topography of the site, appropriate/sympathetic approach to design which utilises the existing contours and respects the established pattern of development in the vicinity.
- 7.7. The proposed development consists of 40 no. dwellings on an elevated site which slopes from a height of 44.9m above sea level (asl) at the top northwest corner to 34.04m asl at the southeast corner. There are existing dwellings to the northwest, north, east and to the south along Convent Road, these consist of single storey and storey and half type dwellings. The proposed dwellings are a mixture of house types including two storey (ridge height of 7.2m) storey and half (ridge height of 7.7m to 7.1m) to bungalows with varying ridge heights of 6m to 5.4m). The varying dwelling types are mixed throughout the site to reflect the existing contours and the adjacent existing properties. The bungalow type dwellings are located at the highest point on the site with a finished floor level of 43m asl, the storey and half to two storey dwellings are located in the centre of the site with varying finished floors level from 41m asl to 35m asl which reflect the levels on site. Bungalow type dwellings are proposed at the southeastern/eastern boundary with finished floor levels of 37m asl – 34m asl. The separation distance between the existing and proposed dwellings varies between 10.9 metres to 18.9 metres, the lower separation distance is between existing and proposed bungalows. It is in my opinion, that the applicant has considered the existing contours and placed the lower ridge heights dwellings at the higher end of the site and placed the higher ridge dwellings in the centre of the site in order to avoid any potential overlooking or overshadowing with the existing dwellings. The siting of bungalow type dwellings along the lower contours are directly adjacent to the existing bungalows which reflects the existing pattern. I note the appellant made reference to a previous refusal on the adjacent site for two storey

dwellings, I consider in regard to the subject site, given the layout and the proposal for varying dwelling heights at varying ground levels which have been considered in the design, it is acceptable for storey and half dwellings/two storey of approximately 7.7 metres in height. The adjacent site (currently under appeal) to the west is located at a higher ground level. In my opinion, I consider the proposed site layout, dwelling designs and types utilise the existing contours on site and respect the established pattern of development in the area.

- 7.8. In regard to the vision set out in Chapter 1 of the CDP which outlines how the CDP has taken into account the context of national strategies, policy and guidance as reflected in the National Planning Framework, Project Ireland 2040 (NPF), and the Southern Regional Assembly's Regional Spatial and Economic Strategy (RSES), and it is also highlighted that the document should be read as a whole document rather than as individual sections. I consider the appellants have taken individual sections in order to apply non-compliance rather than taking into account the entire CDP. Therefore, I consider the development complies with the overall policies and objectives of the CDP and in particular DMO6 for the subject site as it is a specific objective outlined in the CDP for this particular site.
- 7.9. Having regard to the policy objective of DMO6, I consider the proposed development complies with the objective, as the site proposal and layout has regard to the topography of the site and has provided an appropriate/sympathetic approach to design which utilises the existing contours and respects the established pattern of development in the vicinity. In addition, having regard to the CDP, I consider the proposed development complies with the CDP, the subject site is zoned for R1 – New Residential and complies with the objective to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.
- 7.10. **Traffic Impact**
- 7.11. The proposed development consists of one exit/entry point along Convent Road. As part of the further information request the applicant was requested to submit a DMURS compliance statement, a Quality Audit and Road Safety Audit. The proposed entrance has indicated sightlines of 70 metres in both directions. A pedestrian crossing is proposed at the front of the entrance and a setback of 2.4

metres has been provided. A 2-metre-wide footpath is proposed for the entire length of the front of the site boundary along Convent Road.

- 7.12. The grounds of appeal state the proposal is contrary to DM01 (Protection of hedgerows) of the CDP in relation to sightlines which cannot be achieved by traffic exiting the proposed site entrance and material contravene the CDP. No cumulative impact of traffic on Convent Road was undertaken. The appellants query if a joint access is proposed between the proposed site and adjacent site under planning reference ABP 322155-25 (PA: 2460437). It is also stated that the proposal is not in compliance with Housing policy and objective H02 (to ensure new residential developments are integrated and connected to the surrounding area in which it is located). The previous ABP refusal 313873-22 outlined the proposed development is not connected to the adjacent undeveloped site.
- 7.13. I have reviewed the proposed development in relation to DM01 which states the existing green infrastructure on a site should be retained and encourages the protection and integration within an overall site green infrastructure network, where appropriate. I have carried out a site visit and note there are no hedgerows or trees within the site, all four boundaries are made up of existing hedgerow, the front roadside boundary has an existing hedgerow along with a stone wall. There is an existing footpath along the front boundary which is narrow in parts. The applicant was requested to provide a 2-metre-wide footpath along the front boundary of the site which requires removal of the front boundary hedgerow and wall. The appellant state "this work can be provided without removing the hedgerow and boundary wall". However, as the existing footpath is approximately 1.5metres and would require substantial works to push back the existing verge and damage the existing stone wall. The most appropriate proposal is to remove and set back the front boundary wall and hedgerow. I consider the removal of the existing hedgerow and boundary wall is acceptable in order to provide the appropriate footpath width which will be accessible by the current and future residents along Convent Road. A 2-metre-wide cycle path is not considered necessary along this route and was not requested by the engineer of Waterford City and County Council in this application or the adjacent planning application ABP 322155-25 (PA: 2460437).
- 7.14. In regard to the sightlines provided at the proposed entrance, the sightlines of 70 metres are in excess of the required sightlines as per DMURS where forward

visibility of 59 metres is acceptable for 60kmph speed limit. Therefore, I consider the proposed sight lines are in excess of DMURS guidance and are considered acceptable.

- 7.15. The appellant raised concerns in relation to the cumulative impact onto Convent Road and that this road is already busy. No concerns were raised by the engineer in Waterford City and County Council. Given the location of the site within the development boundary of Dunmore East and the speed limits within a town, I do not consider the additional traffic associated with the proposed development will negatively impact the existing traffic along Convent Road.
- 7.16. The appellants noted no connectivity between the proposed development and the adjacent site under current appeal ABP 322155-25 (PA: 2460437). In the initial site layout plan submitted, an access road is noted to the western corner indicating potential connectivity between the two sites. The adjacent site consists of 3 proposed dwellings, the Roads section of Waterford City and County Council have not raised any concerns in relation to two separate entrances serving both proposed developments, and I consider owing to the location and scale of the development of 3 no. dwellings, I would consider that there is little benefit in providing a connection between the sites given the proximity of the proposed 2 metre wide footpath directly into the centre of Dunmore East.
- 7.17. Having regard to the site location along Convent Road and the proposed sightlines provided in excess of DMURS requirements and the assessments provided as part of the Planning Application, I do not consider the proposed access will have a negative impact on the traffic in the vicinity of the subject site. The proposed development is in compliance with DM01 as it is necessary to setback the existing hedgerow and boundary wall in order to provide an adequate and safe pedestrian footpath.
- 7.18. **Ecology, Hydrology & Water Framework Directive**
- 7.19. The subject site is located within an urban setting on zoned lands, the site is not located within or adjacent a protected site. The site is currently greenfield with mature boundaries hedgerows to the south, north and east.
- 7.20. The grounds of appeal have stated the “Ecological Assessment of Roadside Boundary” is not robust enough. No assessment of likely risk to habitats and species

arising from the proposal and cumulative impacts have been assessed. The appellants raised concerns regarding insufficient information to demonstrate the proposal would not directly, indirectly or adversely affect the water quality in the surrounding marine environment. Water Framework Directive places an obligation on Planning Authority to ensure protection of the waterbodies. Dunmore Harbour is under pressure and at risk of not achieving its objectives. Permission should have been refused given the high-status protection of the water body and the fact that the receiving waters are designated bathing waters. No Foreshore Licence was granted. And Conditions 6(a) and 7(c) are retrospective.

Ecology

7.21. An Ecological Assessment of Roadside Boundary was submitted as part of the further information request. I have reviewed the assessment and carried out a site visit, whereby I note the site is an agricultural field and is currently grassland with some scrub adjacent to the hedgerow/earth bank. The hedgerow is partially stone-faced hedge bank, atop of which there are hedgerow species. The species are a mixture of native and non-native, however, the predominant is mainly non-native.

There was no evidence of fox, badger, rabbit, bird species identified, no small mammals or invertebrates were found during the survey but likely use the hedgerow, no suitable trees for likely bat roosts, however, the hedgerow/earth bank may be used for foraging.

The proposed removal of the hedgerow is deemed as negligible as the predominant species of the habitat is non-native, it does provide a habitat for invertebrates, birds, bees and small mammals.

The following mitigation measures are proposed:

- Timing of maintenance or removal during 1st September to 31st March outside bird nesting season.
- Alternative compensation planting should be provided within the development to incorporate a range of native hedgerow species.
- No rodenticide usage in or near the hedgerow/earth bank.

7.22. Having reviewed the Ecology Assessment submitted, I consider that the assessment is adequate and suitable for the proposed development. Given the low wildlife value

on offer from the existing hedgerow, I do not consider the proposed new 2-metre-wide footpath will have a detrimental impact on the wildlife for the area. In addition, given the location and the scale of the proposed development within an urban setting and consisting of grassland, there are no features of significance which will negatively impact the ecology of the area.

Hydrology & Water Framework Directive

- 7.23. The applicant has submitted a Surface Water Management and Maintenance Plan. I have assessed this report, and the applicant is proposing permeable paving, filter drains, tree pits, rain gardens, a swale feature, a petrol interceptor and soft landscaping in order to comply with SuDs principles. The swale is designed to accommodate 272m³ of attenuated water and includes 20% climate change factor. The applicant proposes that the outfall from the site of the storm network is connected to the existing system on the public road and discharges locally to the existing outfall pipeline under the footbridge at Shanoon.
- 7.24. In relation to non-compliance with the Water Framework Directive, Shellfish Water Directive (2006/113/EC) and The Bathing Waters Directive (2006/7/EC). The proposed site ground water catchment area is Colligan-Mahon, the Ground Waterbody Water Framework Directive (WFD) describes the status as “Good – GW WFD Status 2016-2021” and is further considered “Not at Risk – WFD Risk” of meeting its ground water environmental objectives. Furthermore, it is noted that the status of Waterford Harbour (location of treated storm water outflow) is described as having a “moderate” status and is located downgradient of the proposed site. The WFD Risk is described as “At Risk” of meeting its objectives. The main pressures are identified as agriculture, domestic wastewater treatment systems, urban run-off and stormwater overflow. The Planner’s report has noted that no high-status objective water bodies are found within 1km of the proposed site.
- 7.25. I note the potential impacts on water quality and the main pressures associated with this proposed development are from storm water overflow and surface water run-off to the groundwater and to the coastal waters. As stated above, the applicant proposes to install a new stormwater drain to Convent Road and connect this to an existing outfall pipeline under the footbridge at Shanoon. Waterford County Council District Engineer has not raised any concerns in relation to storm water/surface

disposal and requested a Road Opening Licence prior to any works taking place on the public road. The applicant has included extensive SuDs measures to be implemented during operation and construction stage in order to avoid any potential risk to the water quality in the area. Uisce Eireann have not raised any concerns in relation to the capacity of the public network for water or sewer, a feasibility connection letter was submitted with the planning application, and it confirms that a public water and wastewater connection are feasible without significant infrastructure upgrades. In addition, there no evidence submitted from the 3rd party that the wastewater cannot be adequately treated or that there is an issue with urban surface water run off.

- 7.26. The appellants referred to Condition 6(c) which relates to the relocation of the sewer vent to be agreed with the Planning Authority and Uisce Eireann prior to commencement and referenced Condition 7(a) whereby the developer shall consult with Uisce Eireann and the Waterford City and County Council Water Services Drainage and Water Engineers regarding compliance with water network, water metering, storm and foul drainage measures to serve this development. It is the appellant's view that these requests are retrospective, and this should have been submitted with the application as it does not comply with the legal requirements set down by the Foreshore Act 1933.
- 7.27. I note the appellants concerns; however, it is standard practice for a developer/applicant to finalise a connection agreement with Uisce Eireann prior to commencement of development. I consider the Planning Authority have included these conditions to ensure that surface water runoff is treated and therefore ensuring the protection of water quality in the area. Therefore, I am satisfied that Condition 6(c) and Condition 7(a) can be attached in the event of a recommendation of a grant of permission.
- 7.28. I have assessed the proposed development and when considering the objectives as set out in Article 4 of the Water Framework Directive to protect and where necessary, restore water bodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. In having considered the nature, scale and location of the proposal, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to the groundwater

body or coastal water bodies due to the SuDs measures and connection to public water and public sewer.

- 7.29. The appellant raised concerns that any new discharge to sea will require a Foreshore Licence and an Effluent Licence. I note the concerns raised, however, in the event of a Foreshore Licence or an Effluent Licence required, there is an obligation for Uisce Eireann and Waterford City and County Council to acquire the relevant licences. However, having regard to my assessment I am satisfied that no negative impact on water quality will occur.
- 7.30. Having regard to the location of the subject site within an urban setting and the lack of protected habitats or protected species within the site, I do not consider that the proposed development will negatively impact on the ecology of the area. Having regard to the mitigation measures proposed in the Surface Water Management and Maintenance Plan and connection to public water and public sewer, I have no concerns that the proposed development will impede the Water Framework Directive objectives of maintaining high to good status waters in this catchment.
- 7.31. **Material Contravention**
- 7.32. The grounds of appeal have raised concerns that the proposal may materially contravene policy ENV01 which states it is a policy of the council to achieve the objectives of the Water Framework Directive (2006/113/EC) allowing additional sewage loading into Dunmore East sewerage system and policy DM01 of the CDP in relation to protection of hedgerows.
- 7.33. I will consider ENV01 first, this policy seeks the achievement of the objectives of the regulatory framework for environmental protection and management, including compliance with EU Directives – including the Habitats Directive (92/43/EEC, as amended), the Water Framework Directive (2000/60/EC), the Birds Directive (2009/147/EC), the Environmental Impact Assessment Directive (2011/92/EU, as amended by 2014/52/EC) and the Strategic Environmental Assessment Directive (2001/42/EC) – and relevant transposing Regulations through the implementation of the Development Plan. The proposed development has been considered in the context of the EU Directives, I have carried out an Appropriate Assessment Screening (Section 8.0) and it has been concluded that the proposed development

would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

- 7.34. In regard to the EIA Directive, I have carried out an EIA Screening, (Section 5.4) and I have concluded; having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. I have also had regard to the Water Framework Directive, the groundwater status is noted as good at the subject site, the applicant is proposing a connection to public water and public sewer, surface water will be discharged to public drainage system and will be treated through various SuDs measures implemented on site prior to discharge. Therefore, I have concluded that the proposed development will not have a negative impact on the water quality of the subject site or the surrounding area. In addition, as the discharge water will be treated, there will be no negative impact on Dunmore Harbour (status: Moderate).
- 7.35. In regard to the SEA Directive, this process is carried out by the Planning Authority prior to the adoption of a plan or programme. An SEA Statement is included in Appendix 19c of the Waterford City and County Development Plan 2022-2028. It is in my opinion that the proposed development has been considered having regard to ENV01, and I have found that the proposed development will not negatively impact the environment and therefore does not materially contravene ENV01 of the CDP.
- 7.36. Secondly, I will consider the proposed development in relation to DM01 Development Management which states that existing green infrastructure should guide the design process for a site, a landscaping plan shall be submitted clearly illustrating how existing green infrastructure have been incorporated into the development and that the Planning Authority will encourage the protection and integration within an overall site green infrastructure network, of existing mature trees and hedgerows which occur on proposed development sites, and where feasible, along roads. The subject site is located within an urban setting within Dunmore East town, the site is not of any significance habitat, the field is grassland with mature hedgerow boundaries along the north, east and south of the site. The boundary hedgerows to the west and north will be retained, the boundary hedgerow to the south will be set back to allow for a 2-metre-wide footpath. An Ecological Impact Assessment of the hedgerow was carried out and it was concluded that the

removal of the hedgerow is deemed as negligible as the predominant species of the habitat is non-native, it does provide a habitat for invertebrates, birds, bees and small mammals. And as outlined in DM01, the Planning Authority will encourage the protection of hedgerow where feasible. In this instance, it is not feasible to retain the existing hedgerow along the southern boundary, a safe pedestrian access within an urban setting should be provided and the new hedgerow will be planted with native species to encourage appropriate habitats and species. In my opinion, the proposed development does not contravene the CDP, the proposal complies with DM01 and has retained existing green infrastructure features where feasible.

- 7.37. Therefore, I conclude that the proposal would not materially contravene the Waterford City and County Development Plan 2022-2028. In this regard, I consider that the Board may consider a grant of permission under Section 37(2)(a) of the Planning and Development Act. 2000 as amended.

8.0 AA Screening

- 8.1. Having regard to the proposed development of 40 no. dwellings with connection to public sewer and public water within the boundary of Dunmore East town. Surface water will be directed to public drain along with SuDs measures. The nearest European Sites is the Seas off Wexford SPA (site code: 004237) is located c.1.36km north and east. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

9.0 Recommendation

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

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the subject site within Dunmore East town and zoned as "R1" as per Waterford City and County Development Plan 2022-2028, and in particular the compliance with DMD06 policy objective for the subject site. The

proposed development is in compliance with ENV01 and DM01 and generally in compliance with the policies and objective of the CDP and DMURS, it is considered that the development would not seriously affect the traffic safety of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of 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.

Reason: In the interest of clarity.

2. The mitigation measures contained in Section 7.0 of the “Ecological Assessment of Roadside Boundary” submitted to the Planning Authority on the 3rd December 2024 shall be implemented.

Reason: In the interest of the proper planning and sustainable development of the area.

3. Prior to commencement, the applicant/development shall agree in writing with the Planning Authority for written approval,
 - (a) the final layout and design specifications for the roadside boundary setback to provide a 2-metre-wide footpath to the front of the site.
 - (b) The final layout and design specifications for the intersections of footpath and the estate road, and the home zone roads and adjoining paving in the

curtilage of the dwellings. The drawings shall clearly indicate the appropriate levels of all roads, footpaths, and curtilage areas including a number of appropriate cross section drawings.

- (c) The final design designs/specifications for all kerbing.
- (d) A revised swept path analysis clearly demonstrating refuse truck (Phoenix 2 Duo or similar) movements throughout the site. Turning areas shall be adequate for refuse vehicles. If a revised swept path analysis results in a revised layout shall be agreed accordingly.
- (e) Full and detailed specifications for the petrol interceptors and hydrobrake, to include manufacturer maintenance recommendations.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

- 4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

- 5. Prior to commencement, the applicant/development shall agree in writing with the Planning Authority for written approval,
 - (a) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.
 - (b) The developer shall be responsible for the provision of a traffic yield sign and the application of appropriate markings at road junctions. The locations of the signs and any road to be agreed.
 - (c) Full details of all roads, footpath, cycle path, raised junctions, tactile paving materials and finishes.

(d) A wheel wash shall be employed at the entrance to the site for the duration of construction on site and shall be used by construction traffic exiting the site. The public roads used by construction traffic associated with the development permitted herein, shall be maintained free from debris generated/originated from the site/development works.

Reason: In the interest of traffic safety.

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

Reason: In the interest of public health

7. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

8. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

9. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of residential amenities, public health and safety and environmental protection.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

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

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

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

Reason: In the interest of visual amenity.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

15. The landscaping scheme shown on drawing number 005, as submitted to the planning authority on the 3rd day of December 2024 shall be carried out within the first planting season following substantial completion of external construction works.

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

Reason: In the interest of residential and visual amenity.

16. Prior to commencement, a revised boundary treatment plan shall be submitted to, and agreed in writing with, the Planning Authority. The revised plan shall provide a 1.8 metre high plastered blockwork boundary wall to the

rear of sites 32 to 40 inclusive, 13 to 23 inclusive and sites 1 to 4 inclusive (marked as a dark blue line on "Proposed site layout plan – Landscaping & boundary treatment details" Drawing No. 005 submitted to the Planning Authority on the 3rd December 2024)

Reason: In the interest of clarity, the protection of amenities, the environment and public safety and for the proper planning and sustainable development of the area.

17. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

- (a) Soil and subsoil cross-sections.
- (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.
- (c) Quantity of soil to be removed.

Reason: In the interest of residential, visual amenity & environmental protection.

18. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

19. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within

the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

21. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual

purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

22. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

23. Prior to commencement, the applicant/development shall agree in writing with the Uisce Eireann for written approval in relation to relocation of sewer vent located to the front boundary of the site (the location of the sewer vent shall be setback to enable footpath widening). No development shall commence until such a time as Uisce Eireann has consented to the relocation of the sewer vent.

Reason: To provide adequate water and wastewater facilities.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

Jennifer McQuaid
Planning Inspector

29th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321807-25		
Proposed Development Summary	Construction of 40 houses and all associated site works		
Development Address	Coxtown, Dunmore East, Co. Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		<p>Class 10b(i) Construction of more than 500 dwelling units; Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.</p> <p>The proposal consists of 40 no. dwelling on a site size of 1.6ha and is significantly below the threshold.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	X	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 321807-25
Proposed Development Summary	Construction of 40 houses and all associated site works.
Development Address	Coxtown, Dunmore East, Co. Waterford
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<ul style="list-style-type: none"> The proposal consists of 40 no. dwelling within Dunmore East town on zoned lands. The development will consist of typical construction and related activities and site works. Earthworks are required; however, it is not envisaged that the works will not result in the production of significant waste, emissions or pollutants. Surface water will be discharged to public sewer/drain. Wastewater will be discharged to public sewer with modest increase in loading. Subject to compliance with the relevant standards this will not result in pollution.

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Given the urban nature of this site with connection to public services, there are no significant sensitivities in the immediate area.</p> <p>The subject site not located within a designated site, the closest are as follows:</p> <ul style="list-style-type: none"> • Dunmore East Cliffs pNHA (site code: 000664) is located c. 200metres east of the subject site. • Seas off Wexford SPA (site code: 004237) is located c.1.36km north & west of the subject site. • Hook Head SAC (site code: 000764) located c. 3km east of the site on the other side of the bay. • River Barrow and River Nore SAC (site code: 0021262) is located c. 3.6km northeast. • Tramore Back Strand SPA (site code: 004027) is located c.4.8km to the west of the subject site. <p>My Appropriate Assessment Screening concludes that the proposed development would not likely have a significant effect on any European Site.</p>

		The subject site is located outside any flood risk area for coastal and fluvial flooding.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		<ul style="list-style-type: none"> • The site size measures 1.6ha. The size of the development is not exceptional in the context of an urban infill environment. • There are existing adjacent dwellings to the proposed site. While there were issues raised in the appeal concerning the layout and design, I do not consider them to be of a magnitude to warrant an EIA given that such matters can be addressed under normal planning considerations. • The proposal is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)