



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321881-25

<b>Development</b>	Change of use from 8 houses to 15 houses and all associated site works.
<b>Location</b>	Crobally Upper, Tramore, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2460482
<b>Applicant(s)</b>	Digital Pigeons Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John & Joan Heaphy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 April 2025
<b>Inspector</b>	Natalie de Róiste

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision.....	3
4.0 Planning History .....	5
5.0 Policy Context .....	6
6.0 The Appeal.....	11
7.0 Assessment.....	14
8.0 AA Screening .....	18
9.0 Recommendation .....	19
10.0 Reasons and Considerations .....	19
11.0 Conditions .....	19
Appendix 1 – Form 1: EIA Pre-Screening	
Form 2: EIA Preliminary Examination	

## **1.0 Site Location and Description**

- 1.1. The site is located in the townland of Crobally Upper, on the north side of Tramore in Co. Waterford. It measures c. 0.36 hectares (3,600 sqm) and is roughly rectangular in shape. It is part of a larger, partly-completed housing development site measuring c. 2.9 hectares in total, and is currently used as a site compound for houses under construction to the north-east. It borders the old Waterford Road to the north-west; a cul-de-sac with a pedestrian entrance at the blind end to the south-west, known locally as Stranger's Boreen or Stranger's Lane; and a residential site to the south-east, which contains a single-storey thatched house in the cottage orné style, which is a protected structure.
- 1.2. The site is located adjacent to Waterford and Tramore Racecourse, across the Old Waterford Road; c. 15 minutes' walk from Main Street; and c. 20 minutes' walk from the promenade and seafront.

## **2.0 Proposed Development**

- 2.1. Amendment to previous permission granted under ABP-309262-21 (WCCC reg ref 20/270), to facilitate change from 8 4-bedroom detached two-storey dormer-style detached houses, to 15 dwellings, comprising 12 4-bedroom semi-detached houses, and 3 terraced 4-bedroom houses. Development includes all site works and 30 car parking spaces.
- 2.2. The development was amended at Further Information stage, and the proposal submitted at this stage included 14 4-bedroom semi-detached houses, with 28 car parking spaces.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission.

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

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

- Report dated 14 October 2024 noted zoning, planning history, policy, and submissions from other parties. Further information requested on impacts on Spring Farm (a protected structure) due to level differences, proximity and height of development; on materials to boundary with Spring Farm; on materials and access issues raised by Roads Department; and on SuDS.
- Report dated 22 January 2025 noted satisfaction with further information response, and recommended grant of permission.

### 3.2.2. Other Technical Reports

- Roads Section – report dated 20 september 2024 – Further Information request recommended on red line boundary and road width on Stranger’s Boreen, drainage, emergency access, and street lighting. Conditions on construction and road markings recommended in the event of a grant.

### 3.2.3. Conditions

- 10 conditions, including a condition regarding compliance with the parent permission; conditions on archaeology, road upgrades, parking, SuDS, boundary treatments, archaeology, financial contributions, and standard conditions regarding construction, lighting, and materials.

## 3.3. Prescribed Bodies

Development Applications Unit, Department of Housing, Local Government and Heritage – this report notes the archaeological assessment carried out as part of the parent permission, and the excavation of an enclosure and a concentration of cremation pits. An archaeology condition is recommended in the event of a grant of permission, to implement agreed archaeological mitigation measures, prepare an Archaeological Impact Assessment, and provide informational signage.

## 3.4. Third Party Observations

One received, following lodgement of application, with additional submission following lodgement of Further Information, both from neighbour to south-east. Issues raised were as follows:

- Major deviation from permitted development

- Traffic hazard and overspill parking
- Character of boreen and of protected structure should be protected
- Location of proposed landscaped area unacceptable
- Houses under construction are highly elevated and invasive
- Proposed boundary treatment unacceptable
- No progress made on wayleave

## 4.0 Planning History

### 4.1. On subject site:

- ABP-309262-21 (reg ref 20270). Parent permission granted on wider site on 15 November 2021 – application for 91 dwellings and creche, and all associated site works. Condition 3 of that permission was that dwellings along Strangers Boreen (i.e. current site) shall be four-bedroom bungalow-style dwellings, as submitted at further information stage, and that Stranger's Boreen be widened to provide access to same. Condition

### 4.2. On wider site, amendments to parent permission above:

- Reg ref 23301. Changes to 4 partly constructed houses, to allow for rooflight to front.
- Reg ref 23107. Change of house type of 8 houses, bordering Spring Farm to the south.
- Reg ref 2391. Changes to 4 houses, to provide extra bedroom, and elevational changes.

### 4.3. On neighbouring sites:

- 2460480. Live application for 70 residential units on site to the east, referred to as Strandhill Phase 2. Further information requested, received 13/05/2025.

## 5.0 Policy Context

### 5.1. Ministerial Guidelines

5.1.1. The following Section 28 Ministerial Guidelines are of relevance to the application:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- Development Plans: Guidelines for Planning Authorities (2022);
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- DMURS (2019), and subsequent advice notes;
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities;
- Architectural Heritage Protection; Guidelines for Planning Authorities.

### 5.2. Sites and Monuments/Record of Monuments and Places

5.2.1. The site contains archaeological monuments; cremation pits (WA026-095, WA026-096 in the Archaeological Survey of Ireland records) and an enclosure (WA026-094) and lies within the zone of referral for these (R188517). These archaeological features were uncovered during licensed excavations carried out during recent construction work.

### 5.3. Waterford City & County Development Plan 2022-2028

5.3.1. Waterford City and County Development Plan came into effect on 19 July 2022.

5.3.2. Tramore is designated as a Large Urban Town in the Development Plan, the third tier of the Settlement Hierarchy (after Waterford City, and Dungarvan and Clonmel environs).

5.3.3. The site is zoned R1 – New Residential, with the objective to *‘provide for new residential development in tandem with the provision of the necessary social and physical infrastructure’*, and is designated as Residential Lands Phase 1.

5.3.4. The house to the south-east of the site, Spring Farm, is a protected structure, RPS no WA750265, described as ‘Seven-bay single-storey cottage ornée-style house, c.1820, on a cranked plan with outbuildings. Painted lime rendered boundary wall to perimeter of site’.

5.3.5. Chapter 5 deals with Transport, and contains the following Policy Objective of relevance:

***Trans 09 Connectivity and Permeability*** *Ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future. Access should be also provided to adjoining amenities such as Greenways, Walkways and other recreational areas and have regard to ‘Ireland’s Government Road Safety Strategy 2021–2030.*

5.3.6. Chapter 6 deals with Utilities Infrastructure, Energy & Communication

***UTL 09 Storm and Surface Water Management***

*To require the use of Nature Based Solutions and Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures to be incorporated in all new development (including roads and public realm works and extensions to existing developments).*

*Surface water drainage must be dealt with in a sustainable manner, in ways that promote its biodiversity value, and in ways that avoid pollution and flooding, through the use of an integrated SuDS (including integrated constructed wetlands), where appropriate. This includes runoff from major construction sites.*

*Development proposals shall be accompanied by a SuDS assessment, which includes details of run-off quantity and quality and impacts on habitat and water quality and shall demonstrate how runoff is captured as close to source as possible with subsequent slow release to the drainage system and watercourse, as well as the incorporation of appropriate measures to protect existing water bodies and remove pollutant materials. The detail of the assessment should be commensurate with the scale of the development proposed.*

*Storm/ surface water management and run-off design should be carried out in accordance with Sustainable Urban Drainage Systems (SuDS) standards such as:*

- *“The SuDS Manual “(CIRIA, 2015), “Sustainable Drainage: Design and Evaluation Guide” (McCloy Consulting & Robert Bray Associates).*
- *“Dublin Corporation Storm Water Management Policy Technical Guidelines”.*
- *“Greater Dublin Regional Code of Practice for Drainage Works” incorporating “Greater Dublin Strategic Drainage Study, Volume 2, New Development” or any future updates; and*
- *The capacity and efficiency of the strategic road network drainage regimes in County Waterford will be safeguarded for national road drainage purposes.*

5.3.7. Chapter 7 deals with Housing, and contains the following policy objectives and guidance of relevance:

***H 02 General Housing Policy Objectives*** – *In granting planning permission, we will 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:*
  - *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).*
  - *Delivering Homes, Sustaining Communities (2007).* • *Urban Design Manual A Best Practice (2009).*
  - *Permeability Best Practice NTA (2015); and,*
  - *Design Manual for Urban Roads (DMURS) (2020) or any update thereof.*
  - *National Disability Inclusion Strategy (NDIS) 2017-2022*
  - *United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).*



**H 04 General Housing Policy Objectives** – We will 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. This will be achieved by:

- *Facilitating and supporting a range of residential densities and building heights appropriate to the context and residential amenity of a proposed development location.*
- *Proximity to high capacity public transport corridors and investment in sustainable and/ or active transport infrastructure.*
- *Supporting the permeable integration and densification of existing built-up areas.*
- *Supporting residential development proposals and urban design which incorporate clustering of mixed land use and co-location of services in appropriate location(s), or where quick and easy access to such services is available.*
- *Promoting and ensuring qualitative design and technological solutions which deliver adaptable residential/living units/spaces and urban design.*
- *Ensuring the integrated provision of quality green and blue infrastructure components/ public open space and networks of same so as to achieve distinctiveness and sense of place across our neighbourhoods; and,*
- *Requiring the provision of support infrastructure/ facilities to encourage sustainable mobility.*

**H 18 Climate Resilient Housing Policy Objectives** requires that all new residential development incorporates measures to enhance climate change including utilising SuDS and solar energy infrastructure.

**H 20 Protection of Existing Residential Amenity Policy Objectives**

*Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) we will ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected. We will support lower density type development at these locations. We will 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, such features include front walls, gates, piers, railings, and stone/brick/render work.*

- 5.3.8. Chapter 11 deals with heritage, and has the following Policy Objectives of relevance:

***BH 11 Maintaining and Enhancing Special Character***

*It is the policy of the Council to protect structures and curtilages included in the RPS or historic structures within ACA, from any works which would visually or physically detract from the special character of the main structure, any structures within the curtilage, or the streetscape or landscape setting of the ACA.*

***BH 12 Settings and Vistas***

*It is the policy of the Council to ensure the protection of the settings and vistas of Protected Structures, and historic buildings within and adjacent to ACAs from any works which would result in the loss or damage to their special character.*

Archaeological Heritage Policy Objectives **AH 01 National Monuments Act**, **AH 2 Managing Development**, **AH 03 Preservation of Archaeological Material**, and **AH 04 Archaeological Impact Considerations** all commit the council to the protection, preservation, and enhancement of archaeological heritage.

- 5.3.9. Development Management Standards (Volume 2) of the Waterford City & County Development Plan 2022-2028
- 5.3.10. Section 3.4.2 refers to General Residential Development Design Standards – Table 3.1 provides the criteria for New Residential Development in Urban Areas, covering public open space, landscape plans, private open space, privacy, site coverage, plot ratio, building height, separation distances, screen walls, boundary treatment, waste management, phasing, services, and construction waste management plans.
- 5.3.11. Table 3.2 stipulates the Minimum Private Open Space Requirements for Dwelling Units is 75sqm for houses with 4 bedrooms or more.
- 5.3.12. Table 7.1 Car Parking Standards sets out that for houses with 3 or more bedrooms, the standard is a maximum of two car parking spaces.

Section 8.0 deals with new accesses, and **Section 8.8 DMURS** states: *In urban areas inside the 60km/h urban speed limit, developers should also have regard to*

*the best practice standards set out in the Design Manual for Urban Roads & Streets (DMURS) 2020.*

#### **5.4. Tramore Local Area Plan**

- 5.4.1. The parent permission was granted under the Tramore Local Area Plan 2014-20 as extended. This plan has been superseded by the current development plan. A pre-draft issues paper was published in 2023, but no draft plan has as yet been published.

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

PNHA 0000671 Tramore Dunes and Backstrand – 650 metres to northwest

SAC 0000671 Tramore Dunes and Backstrand – 650 metres to northwest

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

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

### **6.0 The Appeal**

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

One third party appeal against the grant of permission was received, from the resident to the south-east. Issues raised were as follows:

- The condition on the parent permission 20270 reducing the overall house size of the 8 houses facing onto Stranger's Boreen was welcomed.

- The proposal to replace these 8 detached houses with 14 houses will cause traffic and parking issues on the boreen, due to the lack of visitor parking for these houses and the wider development.
- This is a pedestrian route, and the intensification of traffic (with only one footpath provided) will be a safety concern for pedestrians including children going to GAA training.
- The entire road needs upgrading, including to provide adequate storm water drainage.
- The boundary between the appellant's site and the applicant's site has been damaged by the applicant's workers, and should be replaced with a wall faced in natural stone.
- The houses currently under construction are towering over Spring Farm house and gardens, with major impacts on privacy.
- The Board should refuse permission, and revert to the permission for the eight detached houses, which are more in keeping with the character of the boreen.

## 6.2. Applicant Response

The response received from the first party is summarised as follows:

- The height of the proposed semi-detached houses adjacent to Spring Farm is marginally lower than the height of the detached houses permitted, and the nearest proposed house is further away than that permitted.
- The proposed road is designed to DMURS standards, and the council had no objection. The proposal as submitted as Further Information is an improvement on that permitted.
- The site is within easy walking distance of bus routes and amenities, and parking is provided to the standards set out in the *Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024*. The larger detached houses permitted might have had higher car ownership, and as such the additional house units are unlikely to increase car numbers.

- There will be no change to the road in front of the appellant's property.
- There are unallocated parking spaces on the Old Waterford Road that are within easy walking distance of the proposed houses. The local authority at no stage sought visitor parking on Stranger's Boreen. The lack of visitor parking, and the reinstatement of double yellow lines following resurfacing, will prevent overflow parking on the boreen.
- The proposed single footpath was permitted under the parent permission. Stranger's Lane is a public right of way; notwithstanding this, the applicant has no objection to providing a sign to deter vehicles driving beyond the turning head.
- The road and stormwater infrastructure will be upgraded in accordance with the plans
- A contractor, under the direction of the project archaeologist, inadvertently damaged the drystone wall between the two sites when removing a section of hedgerow in conjunction with planning permission 20270. The applicant is waiting on instructions from the archaeologist to carry out repairs to the drystone wall, as previously agreed to be supervised by the appellants, the project archaeologist and the subcontractor.
- The revised proposals are lower and further away than the development as permitted.
- The increase in house numbers proposed (6 additional units) increases the overall density from 35 units per hectare to 37 units per hectare, consistent with updated guidelines in the Compact Settlement Guidelines 2024.
- There is no change proposed to the permitted road upgrade.

### **6.3. Planning Authority Response**

None received.

### **6.4. Observations**

None received.

## **7.0 Assessment**

7.1.1. 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:

- Traffic, parking and road safety
- Impacts on neighbouring residential amenity
- Impacts on built heritage

### **7.2. Traffic, parking and road safety**

7.2.1. The appellant has concerns regarding additional traffic causing safety issues and damaging the road surface on Stranger's Boreen, as well as overspill parking and the impacts on the character of the Boreen from the development of 14 new houses. The parent permission (ABP-309262-21 reg ref 20/270) included a condition to widen Stranger's Boreen to provide access to the dormer bungalow dwellings granted on it, as well as conditions regarding drainage and boundary treatments on the development as a whole.

7.2.2. This amending application proposes no amendments to the road itself, but includes a turning area and small landscaped green area to the end of the site adjacent to Spring Farm. It has 14 houses rather than the permitted 8, an increase of 6, and 28 car parking spaces, rather than the permitted 16. A swept path diagram has been submitted showing large vehicles can turn adequately in the turning area. I consider this an improvement on the development as granted, and I consider the car parking and access arrangements satisfactory. I do not consider that the increase in vehicular traffic, relative to what is already permitted on the site, would cause traffic hazard or danger to pedestrians or other road users. I note the planning authority attached a condition requiring that any damage to the public road or footpath as a result of the works to be made good by the developer, and I consider this condition to be appropriate.

7.2.3. Regarding the quantum of car parking, the third party has concerns regarding overspill car parking. I note at the outset that SPPR 3 of the recently adopted Compact Settlement Guidelines set maximum rather than minimum standards for car parking, with a maximum of 2 spaces per dwelling for intermediate and peripheral locations such as this one, with no requirement for separate visitor parking. (While the site is close to the Riverstown roundabout bus stops, the Tramore – Waterford bus service is not a high frequency service, and as such the site is considered peripheral). The Development Plan sets a standard of 1 space for 1-bed and 2-bed dwellings, with 2 spaces for a three-bed or larger dwelling, with visitor spaces required for every four dwellings provided with only 1 space. The proposal complies with both the standards set out in the Ministerial Guidelines and that set out in the Development Plan. I consider the quantum of parking appropriate, and I consider the double yellow lines to be an appropriate mechanism to address illegal or antisocial parking.

### **7.3. Impacts on neighbouring residential amenity**

- 7.3.1. As noted above, this application is an amendment to a larger development, and seeks permission to replace a row of 8 houses with a row of 15 houses (reduced to 14 on submission of further information).
- 7.3.2. The closest proposed house is c. 8.9 metres from the boundary with Spring Farm, and c. 27.5 metres from the house itself. This proposed new house has a ridge height of 8.125 metres.
- 7.3.3. This compares with the permitted development, where the closest proposed house was c. 4 metres from the boundary, and c. 22.5 metres from the house itself. It had a ridge height of 7.9 metres. As such, the proposed development will have less overbearing impacts than that permitted. The new houses are to the north-west, so will not have any undue overshadowing impacts to the house or garden to the south-east, and they are not in such close proximity or of such a height that they would have impacts on diffuse daylight to windows.
- 7.3.4. Regarding overlooking, there is one first floor window in the gable of the closest house, which serves a bathroom. This window should be permanently obscured to ensure mutual privacy. The ground floor window in the gable, and the use of the rear

and side garden, will not have significant impacts on neighbouring privacy. I note the appellant's concerns regarding the existing houses under construction; however, these are permitted and do not form part of this application.

- 7.3.5. I consider that there will be no significant impacts on neighbouring residential amenity.

#### **7.4. Impacts on built heritage**

- 7.4.1. Given the distance of the proposed new houses from the boundary with Spring Farm, and from the house itself, I do not consider that they would have unacceptable impacts on the setting of the protected structure. Both parties refer to damage done to a boundary wall of Spring Farm by the developer's contractor, and the applicant notes they are waiting on instructions from their archaeologist to carry out repairs, while the appellant wants a block wall faced in stone. Spring Farm is a protected structure, and this protection extends to its curtilage features. The applicant states in their response that this is not a relevant issue to the current application, as it arose in the implementation of the parent permission; however, this is an amending permission to the parent permission, with revised proposals to the boundary between the two sites, and as such the treatment of the boundary is of relevance.
- 7.4.2. The planner's report refers to a hedgerow between the site and Spring Farm. However, part of the boundary is formed by a rubble stone wall heavily overgrown with ivy, which has been partly knocked.
- 7.4.3. The Ministerial Guidelines on Architectural Heritage note at Section 7.9 *Repairing Rather than Replacing*:
- 7.4.4. *It should be the aim of good conservation practice to preserve the authentic fabric which contributes to the special interest of the structure. Good repair will arrest the process of decay of a structure and prolong its life without damaging its character and special interest. Where a damaged or deteriorated feature could reasonably be repaired, its replacement should not be permitted.*
- 7.4.5. As such, I consider the repair of the wall (which is a rubble stone wall), by a suitably qualified practitioner, at the expense of the applicant, to be the appropriate response, rather than its replacement with a block wall faced in stone. This could be addressed by condition in the event of a grant of permission.



## 7.5. Other issues

- 7.5.1. The parent permission was granted in 2021, and therefore assessed under the previous development plan. This application is assessed against the current plan, adopted in 2023.
- 7.5.2. I note also that the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* were adopted in 2024, and planning authorities are obliged to have regard to these Section 28 Guidelines, and obliged to implement any Specific Planning Policy Requirements set out therein.
- 7.5.3. SPPR 1 of the Compact Settlement Guidelines has recently revised the established 22 metre back-to-back separation distance to a minimum of 16 metres, subject to a demonstration that amenity will not be unduly affected. I note the text in Table 3.1 in Volume 2 of the Development Plan *'Between directly opposing above ground floor windows, a separation distance of 22 metres should generally be observed for new, reciprocal overlooking housing, although this will also be informed by considerations such as typography, design, and housing type and mix.'* The distance between first floor rear windows is c. 21 metres. Given the advisory nature of the text and the slight shortfall, I do not consider this a material contravention of the plan.
- 7.6. Similarly SPPR 2 sets reduced minimum garden sizes (with 50 sqm minimum for a house with four or more bedrooms), and supersedes the standards set in the Development Plan (75 sqm for a house with four or more bedrooms). The houses at either end of the row have gardens of 132 sqm and 215 sqm, while the other 12 houses have between 62 sqm and 71 sqm of private open space. I note in this instance the Development Plan has somewhat more prescriptive language –
- 7.7. • *All houses should have an area of private open space of a suitable gradient, exclusive of car parking, to the rear of the building line. The minimum area of private open space to be provided shall be in accordance with Table 2 for all new residential units.*
- 7.8. • *The prescribed private amenity space will allow for a private amenity area, which can accommodate the storage of bins/garden shed etc., and the provision of an area for vegetable growing, etc. In certain circumstances, the standards may be reduced*

*for smaller houses if the Planning Authority considered it acceptable, however the area may not be less than 50 sq. m.*

- 7.9. • *It should be noted that housing developments which provide private open space at the minimum standard throughout the scheme will be discouraged.*
- 7.10. I note the shortfall in garden areas relative to the Development Plan standard. Nonetheless, the gardens are regularly shaped, to the rear of the building line, compliant with the Ministerial Guidelines, and I consider that they would provide good residential amenity. I also note that this section of the Development Plan is not set out as a policy or an objective, but rather detailed supporting text. As such, while the development contravenes the plan, I do not consider it a material contravention.
- 7.11. A number of compliance conditions were attached to the permission, that were also attached to the parent permission (for example, the design and layout of the public lighting). Given that a new plan has been adopted since the granting of the parent permission, and given that a number of compliance submissions have been made which may now need to be revised to reflect the amendments to this part of the site, the attachment of such conditions is reasonable.
- 7.12. I note that there are no provisions in the parent permission for SuDS measures, and the planner's report and inspector's report on the file make no reference to policy in place at the time in that regard. A condition regarding SuDS was proposed by the Planning Authority as part of the transport condition, and this is appropriate and reasonable to comply with Policy Objective UTL 09.

## **8.0 AA Screening**

- 8.1. The Planning Authority's report screened out appropriate assessment. The site is located within the built-up footprint of Tramore, approximately 650 metres from Tramore Dunes and Backstrand. It is considered that the hydrological connection to this SAC is indirect, weak and sufficiently remote. Foul and surface runoff will be drained through the public sewerage system.
- 8.2. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the distance from the nearest European site and the absence of pathways between the application site and any European site it

is possible to screen out the requirement for the submission of an NIS at an initial stage.

## **9.0 Recommendation**

I recommend a grant of permission.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, to the 'R1-New Residential' land use zoning of the site, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. 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 5 day of December 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission ABP ref PL93.309262 reg ref 20/270 unless the conditions set out hereunder

specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. This permission is for 14 houses.

Reason: in the interest of clarity.

4. Prior to the commencement of development, the applicant/developer shall submit, for written agreement of the planning authority, a specification and method statement covering repairs to the damaged boundary wall between the site and Spring Farm (a protected structure), to ensure the development is carried out in accordance with good conservation practice, and all works shall be carried out in accordance with this written agreement.

Reason: In the interest of the protection of architectural heritage in accordance with the provision of the Architectural Heritage Protection Guidelines for Planning Authorities.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
  - (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. Transport

- (a) Prior to the commencement of development, the final design detail and full specification for widening and upgrade of Strangers Boreen shall be agreed with the Planning Authority.

The road widening and upgrade of Strangers Boreen shall be carried out by the developer to the satisfaction of the Planning Authority in accordance with the agreed details.

- (b) The onsite car parking spaces shall consist of permeable paving designed and constructed in accordance with Ciria Suds manual C753. Prior to the commencement of development a completed Suds checklist in accordance with the Appendix B of the Ciria Suds manual C753 shall be submitted to the Planning Authority for written agreement and the car parking spaces shall be constructed in accordance with the agreed details. Prior to the development being taken in charge by the Local Authority it shall be certified by a suitable qualified person, with professional indemnity insurance, a copy of which shall be submitted to the Planning Authority, that the permeable paving was constructed in accordance with Ciria Suds manual C753.

- (c) Entrance to dwellings shall be constructed so that surface water is not allowed to flow onto the public roadway or interfere with existing roadside drainage.

- (d) Any interference with or damage to a public footpath or road caused during the construction of the development shall be made good by the developer to the satisfaction of the District Engineer, Waterford City & County Council.

- (e) Where the existing roadside boundary is to be set back, any existing service or utility poles between the new road fence line and the roadway shall be relocated with the agreement of the relevant service provider. A revised site layout plan shall be submitted to the Planning Authority, prior to any works commencing on the site, indicating the proposed location of the poles as agreed with the service provider.

- (f) All works carried out on the public footpath or the public road shall require a Road Opening Licence and Hoarding Licence.

Reason: Having regard to the nature of the development permitted herein, additional traffic to Strangers Boreen and the proper planning and development of the area.

7. Prior to the commencement of development full details, including brochure samples, of all external finishes shall be submitted to, and agreed in writing with, the Planning Authority.

Reason: To ensure that the proposed development is appropriately integrated into the surrounding landscape in the interest of visual amenity.

8. (a) All outstanding groundworks located within the development site shall require the implementation of agreed archaeological mitigation measures, including any groundworks associated with the establishment of any boundary structure and/or boundary treatment in the environs of archaeological monuments WA026-094 enclosure, WA026-095 pit burial and WA026-096 pit burial (such as landscaping, construction of boundary wall and/or fencing, reinstatement of laneway). This shall necessitate the preparation of an Archaeological Impact Assessment (AIA) and mitigation strategy by a suitably qualified archaeologist engaged by the developer, to ensure that appropriate mitigation measures are agreed and implemented to protect the archaeological heritage.

(b) The AIA shall be submitted to the Planning Authority and the National Monuments Service of the Department of Housing, Local Government and Heritage for agreement in advance of any such works commencing on site. Further archaeological excavation and/or monitoring (licensed under the National Monuments Acts 1930-2014) may be required in this area to ensure the recording and protection of any archaeological remains identified, appropriate treatment of any such remains and the submission of a final archaeological report to the relevant authorities following the completion of works on site and all post-excavation analysis.

(c) The developer/applicant, in consultation with the archaeological consultant, shall provide durable and appropriately designed information signage, providing visual material and information relating to the archaeological findings within the

development area, to be erected and maintained at a suitable public location within the housing development to provide information to the local community and visitors.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

9. (a) The developer shall ensure that the storm water outfall and attenuation system is completed prior to the roofing of any units within the development permitted herein.

(b) The developer shall ensure that areas of roofs partially completed without gutters and downpipes are kept to a minimum and that measures are taken to ensure, during the construction phase, during heavy rainstorms, that water from roofs and paved areas are directed into the storm water collection system.

Reason: to prevent flooding.

10. All of the in-curtilage car parking spaces serving the residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Reason: In the interest of sustainable transportation, and to comply with the conditions of the parent permission.

11. Proposals for house naming/numbering shall be submitted to, and agreed in writing with, the planning authority prior to any sale or occupation of the properties.

Reason: in the interests of urban legibility.

12. 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.. 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.

13. 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.

14. (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.

15. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with 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 lands 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.

16. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

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.

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Natalie de Róiste  
Planning Inspector

23 May 2025

**Form 1 - EIA Pre-Screening**

<b>Case Reference</b>	ABP-321881-25
<b>Proposed Development Summary</b>	Replacement of 8 permitted houses with 15 dwellings
<b>Development Address</b>	Crobaslly Upper, Tramore, Co. Waterford
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold  Class 10(b)(iv) [Urban Development – 2 hectares – sub threshold]

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-321881-25
<b>Proposed Development Summary</b>	Replacement of 8 permitted houses with 15 dwellings
<b>Development Address</b>	Crobaslly Upper, Tramore, Co. Waterford
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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>The proposed development is 15 dwellings (reduced to 14 at Further Information stage) in a suburban area of Tramore, connected to public services on zoned and serviced lands, on lands where 8 houses have been permitted.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
<b>Location of development</b>  (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>The development is in a suburban area, and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments.</p>
<b>Conclusion</b>	

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: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)