



An
Coimisiún
Pleanála

Inspector's Report ACP-323414-25

Development	Single storey dwelling house, entrance, septic tank, percolation area and all necessary ancillary works.
Location	Boherboy, Grange, County Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	25/60376
Applicant(s)	Jamie Hurley
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Jamie Hurley
Observer(s)	None
Date of Site Inspection	7 th November 2025
Inspector	Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located at Grange, Boherboy, c.11km (crow- flies) to the southeast of Dungarvan town centre. The site is rectangular in configuration and indicated as measuring c.0.36ha. The site is part of an agricultural field within the applicant's family farm landholding.
- 1.2. The site is accessed via an existing road (cul-de-sac) which intersects with national road, N25 in a T junction. At this intersection point, a speed limit of 100kmh applies to the N25.
- 1.3. The access road serves the applicant's family home, farmyard and agricultural buildings. The road also serves a disused quarry and a shed and timber mill operation. To the south of the site are two detached residential properties, one of which accesses onto the access -road and the other directly accesses onto the N25.
- 1.4. The topography of the site is relatively level, with ground levels decreasing in a southerly direction across the site towards the N25.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached dwelling, a septic tank wastewater treatment system, and all associated site works. The proposed dwelling is single storey in design, with an indicated floor area of c.152sqm.
- 2.2. The proposal includes for a new vehicular entrance in the site's western boundary to the access road. The proposed dwelling is positioned centrally within the site, with the treatment system and percolation area located to the east of the dwelling. The proposal includes a private well and a surface water soakaway.

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. The planning application was lodged on 25th May 2025. The planning authority refused permission for the proposed development on 22nd July 2025 for one reason, as follows:

1. *The proposed development, at this location, would access onto the N25, where the general speed limit of 100km/h applies, would generate traffic turning movement which may interfere with the safety and free flow of traffic on the public road. The Planning Authority considers that the proposed development would endanger public safety by reason of a traffic hazard, contrary to Policy Objectives Trans 39 & Trans 41 of the Waterford City & County Development Plan 2022-2028 and the Spatial Planning and National Roads Guidelines for Planning Authorities 2012. The proposed development would, therefore, set a highly undesirable precedent and be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report

The key issues in the planner's report can be summarised as follows:

- Notes the site is situated within an 'Area Under Strong Urban Influence' as defined in the Waterford City and County Development Plan 2022 - 2028.
- Supporting information submitted includes a Supplementary Form, details of the family farm and landholding, applicant's birth certificate, school attendance details.
- Considers applicant has demonstrated a local rural housing need in accordance with Section 7.11.2 (lived for a substantial period in the local rural area, requires a dwelling to meet his own housing needs close to his family and community).
- Notes that the site characterisation form categorises the groundwater vulnerability as high, but the GSI indicates a geology groundwater vulnerability category of extreme.
- Suggests that the applicant be advised and invited to address the discrepancy, submitting a revised form as appropriate.
- Notes the site is proposed to be served by a new entrance onto a shared private farm road, which accesses the National Primary Road N25.

- Notes applicant demonstrates the achievement of the required 215m sightlines (Vol 2, Development Management Standards), confirmed by District Engineer.
- Defers to development plan Policy Objectives, Trans 39 and Trans 41, which seek to avoid additional access points, and a material increase in traffic using existing access points to National Roads.
- Refusal of permission is recommended on that basis.
- Highlights the extent of the applicant's family landownership it is not clear from submitted land registry details, the site location maps, or independent reference to land registry records.
- Infers that the applicant's family landholding may extend to the nearest public road to the north, the L6090 Local Secondary Road.
- Suggests that an alternative site in that location/ accessing from that road would be more appropriate for the proposed development.
- Finds the proposed development to not result in an unduly negative effect on the rural character or visual amenities of the area due to the site's setting, topography and fair design proposed.
- A development contribution would apply.
- Requirement for appropriate assessment is screened out.

3.2.2. Other Technical Reports

Engineer, Roads Department: No objection, no condition. Indication that the minimum required sightlines of 215m for an entrance onto a national road are achieved at the existing junction.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Appeal Site

None.

Lands to the Northwest (Opposite the Appeal Site)

Planning authority report refers to two planning history cases (PA Refs. 15/246 and 12/341) for Peter Power Plant Hire associated with the quarry operation (refusals of permission, reasons relating to traffic turning movements on the N25 which may endanger public safety by reason of a traffic hazard).

Lands to the Northeast

ABP 321808-25, PA Ref. 24/60449

In May 2025, the Board refused permission to J. and O. O'Donnell for a dwelling, wastewater treatment plant, entrance, and associated site works located at Newtown, Dungarvan, County Waterford.

Permission was refused due to the intensification of an existing entrance on a section of the N25, the negative impact on the traffic safety and carrying capacity of the road, and the creation of traffic hazard.

5.0 Policy Context

5.1. National Context

- 5.1.1. National policy context for new dwellings in rural areas is set by the National Planning Framework and applicable planning guidelines.

National Planning Framework: First Revision, April 2025

- 5.1.2. The National Planning Framework (NPF, as revised) postdates the guidelines and maintains the established policy that applicants for new rural dwellings in locations under urban influence demonstrate a functional economic or social requirement for housing need.
- 5.1.3. The relevant National Policy Objective (NPO) is NPO 28 (previously NPF NPO 19), which states:

'NPO 28:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlement'.*

Climate Action Plan (CAP) 2025 / CAP 2024

- 5.1.4. The CAP 2025 builds upon previous plans by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP 2024.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.1.5. The Rural Housing Guidelines outline the planning context for applicants seeking dwellings in rural areas, including those areas under urban influence, define 'rural generated housing', and identify the different categories of persons which can demonstrate a rural housing need.
- 5.1.6. Section 3.2.3 of the guidelines refer to 'Persons who are an intrinsic part of the rural community' and 'Persons working full-time or part-time in rural areas'. Of the latter, the guidelines state such circumstances will normally encompass persons involved in full-time farming.

Spatial Planning and National Roads Guidelines for Planning Authorities, 2012.

- 5.1.7. The National Roads Guidelines outline policy in respect of development planning, development management, and the national road network.

- 5.1.8. Section 2.5 of the guidelines refers to policy required to be incorporated into development plans and includes the following in respect of lands adjoining national roads:

'Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.'

5.2. Local Context

Waterford City and County Development Plan 2022-2028

- 5.2.1. Waterford City and County Development Plan 2022-2028 (WCCDP) is the applicable development plan for the assessment of the appeal case. The WCCDP comprises several volumes, including Volume 1: Written Statement, Volume 2: Development Management Standards, and Volume 3: Appendices.
- 5.2.2. Relevant policy and objectives from Volume 1 include those in Chapter 5: Transport and Mobility and Chapter 7: Housing and Sustainable Communities, from Volume 2 includes Section 8.0 Roads Access Policy and Section 11.0 Zoning and Land Use, and from Volume 3 includes Appendix 8: Landscape and Seascape Character Assessment.

- Chapter 5: Transport and Mobility (Volume 1)

Policy Objective Trans 39:

We will maintain and protect the strategic transport function and capacity of motorways and the national roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines (2012) and the Trans-European Networks (TEN-T) Regulation.

Policy Objective Trans 41:

National Roads: Avoid the creation of any additional access points from new development or the material increase in traffic using existing access points to National Roads, to which a speed limit of greater than 60 kph applies in

accordance with the requirements set out in the Spatial Planning and National Road Guidelines, DECLG (2012).

- Chapter 7: Housing and Sustainable Communities (Volume 1)

Section 7.11.2 Housing in the Open Countryside

... a rural typology has been undertaken for Waterford...which is consistent with national and regional policy. This typology is premised largely on a single category...Rural Area under Strong Urban Influence.

Policy Objective H 28:

We will facilitate the provision of single housing in the countryside, in rural areas under urban influence, based on the core consideration of demonstrable economic, social or local need to live in a rural area, as well as general siting and design criteria as set out in this plan and in relevant statutory planning guidelines, having regard to the viability of smaller towns and rural settlements.

Housing Need

Persons with an economic need to live in the particular rural area would include those whose employment is intrinsically linked to the rural area in which they wish to building (e.g. farming) and who require a dwelling to meet their own housing needs close their place of work. Persons with a demonstrable social need to live a particular local rural area would include those that have lived a substantial period of their lives (7 years or more) in the local rural area and who require a dwelling to meet their own housing needs close to their families and to the communities of which they are part. A local area for the purpose of this policy is defined as an area generally within a 10km radius of the applicant's former place of residence.

- Section 8.0: Roads Access Policy (Volume 2)

Development Management DM 45

It is therefore a policy of the Council to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply, in accordance with Government Policy as outlined within the Spatial

Planning and National Roads Guidelines for Planning Authorities (2012) issued by the DoECLG. This provision applies to all categories of development including houses in rural areas, regardless of the housing circumstance of the applicant.

Section 8.6 Sightline Requirements, Table 8.1

Listed in the Table 8.1 are the general minimum sightline requirements the Council will require to be provided: *Category A: Speed Limit 100km/h of 215m. (Note: Sightlines of 30m shall be required for dwellings accessing onto a cul-de-sac (serving not more than 3 dwellings). Where the cul-de-sac meets the major road, sightlines pertaining to that road must also be achieved).*

- Section 11.0 Zoning and Land Use (Volume 2)

Section 11.2 Use Zoning

All lands outside of the designated settlements and land zoning maps is regarded to be zoned as Agriculture A.

The site is zoned as Agriculture A which seeks *'To provide for the development of agriculture and to protect and improve rural amenity'*.

- Appendix 8: Landscape and Seascape Character Assessment (Volume 3)

Section 4.3(a) Low Sensitivity Areas

The site is located within a 'Low Sensitive' Scenic Classification (as per Map A8.3). *These areas have potential to absorb a wide range of new developments subject to normal planning and development control procedures.*

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 5.3.2. The European site designations in proximity to the appeal site include (as measured at closest proximity between boundaries):
 - Blackwater River (Cork/ Waterford) SAC (site code: 002170) is c.0.61km to the north.
 - Helvick Head to Ballyquin SPA (site code: 004192) is c.3.64km to the southeast.

5.3.3. The pNHA designations in proximity to the appeal site include:

- Ballyeelinan Wood pNHA (site code: 001692) is c.2.9km to the southeast.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first party appeal against the decision of the planning authority to refuse permission for the proposed development. The appeal grounds include the following:

- Proposed home accesses onto a public roadway which has an established junction with the national road where full sightlines exist (as required by the WCCDP).
- WCCDP policy objectives Trans 39 and Trans 41 primarily safeguard against the creation of additional access points, or the material increase in traffic usage onto National Roads.
- Neither issue arise in this case as the applicant and his fiancée currently live at the applicant's parents' home and the existing road junction with the N25 is in place with over 50 years.
- Disputes the planning officer's description of the access road as a private farm road.
- States the road is a publicly accessible road used by both businesses and individuals (details provided of users).
- While the road may not be taken in charge, it is maintained by the council and signage and road markings on same have been undertaken by the council.
- Proposed development will not give rise to any intensification of use of the access onto the N25 but maintain the current status quo (as applicant and fiancée reside at the family home).
- Roads Department confirms the minimum sightlines (215m) are currently available at the road junction with the N25.
- No observations on the case from Transport Infrastructure Ireland (TII).

- Refers to a precedent case, ABP 301403 (PA Ref. 17/606) whereby the Board granted permission for a rural dwelling accessing onto a national road in County Kilkenny.
- Applicant is a local farmer who has demonstrated his own local housing need to the satisfaction of the planning authority.
- Applicant is farming the lands, wants to build his home adjacent to his farm buildings to supervise his livestock (needs to be on the farm leading up to and during the calving period).
- Applicant would have to travel to and from the farm several times a day if he did not reside at the farm, causing extra traffic usage of the roads.

6.2. Planning Authority Response

6.2.1. No response has been received from the planning authority on the appeal.

6.3. Observations

6.3.1. None.

7.0 Planning Assessment

7.1. Having reviewed the appeal, examined the documentation on the case file, inspected the site, and had regard to the relevant policy context and planning guidance, I consider that the main issues in the appeal to be as follows:

- Rural Housing Policy
- Siting and Design
- Access and Traffic
- Water Services and Water Quality (new issue)

I propose to address each item in turn below.

7.2. Rural Housing Policy

Context

7.2.1. The application and appeal documentation outline the applicant's circumstances. The applicant states he is the owner of the family farm, is working as a full-time

farmer of the family landholding, and presently living with his parents and his fiancée at the family home.

- 7.2.2. The family home is located adjacent to the south of the appeal site, and the farmyard and agricultural buildings are located adjacent to the north of the site, at the end of the access road.
- 7.2.3. The applicant has submitted documentary evidence in support of his application. Details include the completed Supplementary Form, birth certificate, school records, and land ownership details (two maps, landholding indicated as measuring c.41ha).
- 7.2.4. In its assessment, the planning authority noted the documentation submitted by the applicant and found that the applicant had demonstrated a local housing need in accordance with WCCDP policy.

Compliance with Policy

- 7.2.5. The appeal site is zoned as 'Agriculture A' which seeks '*To provide for the development of agriculture and to protect and improve rural amenity*'. New housing in such zoned lands is subject to compliance with the WCCDP rural housing policy.
- 7.2.6. Applicable WCCDP policy comprises that in Section 7.11.2. This section outlines that in assessments of applications for single rural dwellings, to comply with national rural housing policy, all rural areas in the county are designated as a 'Rural Area under Strong Urban Influence'.
- 7.2.7. National Policy Objective 28 of the National Planning Framework and Section 3.2.3 of the Rural Housing Guidelines (see section 5.0 of this report) are applicable. National policy recognises that a distinction is made for such rural areas due to their being within the commuter catchment of cities and large towns and centres of employment. The provision of single housing in the countryside in these areas should be facilitated based on the core consideration of demonstrable economic or social need to live in the area.
- 7.2.8. National policy is reflected in WCCDP Policy Objective H 28 which similarly seeks to facilitate new homes in the open countryside based on the core consideration of demonstrable economic, social or local need to live in a rural area, in addition to general siting and design criteria in the development plan and in relevant statutory planning guidelines.

- 7.2.9. Policy in Section 7.11.2 relating to Housing Need identifies that persons with an economic need to live in the particular rural area would include those whose employment is intrinsically linked to the rural area in which they wish to build (e.g. farming) and who require a dwelling to meet their own housing needs close their place of work. Further, persons with a demonstrable social need to live a particular local rural area would include those that have lived a substantial period of their lives (7 years or more) in the local rural area and who require a dwelling to meet their own housing needs close to their families and to the communities of which they are part.
- 7.2.10. I have reviewed the case documentation and, following the completion of my site inspection where I observed an established farmyard with a range of agricultural buildings, livestock, and farm machinery, am satisfied that the applicant is involved in the farming of an intensive operation which would require a dwelling close to his place of work and a constant on-site presence.
- 7.2.11. In conclusion, I consider the applicant has demonstrated a bone fide housing need in this rural location and satisfies national (NPO 28, Section 3.2.3) and local policy (Section 7.11.2, and Policy Objective H 28) which seek to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic, social or local need.

7.3. Siting and Design

- 7.3.1. The proposed development comprises a detached dwelling with an indicated floor area of c.152sqm (three bedrooms). The dwelling is of a single storey, three bay, rendered-finish design. Principal dimensions include a height of 6.1m.
- 7.3.2. The proposed dwelling is positioned centrally within the site, aligned to maintain the front building line with the family home to the south of the site, both addressing the access road. The proposed treatment system and percolation area are located to the east of the dwelling. Screening is indicated along the newly proposed eastern and southern boundaries and the southwestern boundary with that of the family home. The proposal includes a new vehicular entrance in the site's western boundary to the road.
- 7.3.3. On review of the plans and particulars, and following my site inspection, I consider that the proposed dwelling has a streamlined elevational treatment and modest overall proportions. The proposed dwelling is consistent in design and scale with the

family home, maintains the front building line with same, and provides boundary screening to ameliorate any visual impact. While the site is at an elevated level to the N25, the site is not unduly exposed, and the dwelling would be marginally visible. I note that the planning authority found the design of the proposal to be acceptable.

- 7.3.4. While the N25 is generally identified as being a scenic route, the site is located within a 'Low Sensitive' scenic classification in the WCCDP. The plan's Landscape and Seascape Character Assessment states these areas have potential to absorb a wide range of new developments subject to normal planning and development control procedures. I consider that the appeal site and proposed development satisfy these criteria.
- 7.3.5. In conclusion, I consider the siting and design of the proposed development to be acceptable and would not negatively affect the rural character or visual amenities of the area.

7.4. Access and Traffic

- 7.4.1. The appeal site is located to the north of the N25, accessed via an existing road which intersects with the N25 in a T junction. This existing junction has road signage and markings. At this intersection point, a speed limit of 100kmh applies on the N25.
- 7.4.2. I calculate the distance between the site (measured from the proposed entrance on the access road) to the existing junction with the N25 to be c.225m crow-flies, and c.293m travelling along the access road.
- 7.4.3. The proposal includes a new vehicular entrance in the site's western boundary onto the access road. Sightlines of 30m are indicated as being achieved with the existing fence line being set back and hedging planted (see Dwg No. d-02016.1: Site Layout Plan).
- 7.4.4. The planner's report describes the access road as a shared private farm road. The report from the Roads Department does not classify the access road, referring only to the available sightlines along the N25 from the junction.

Refusal Reason

- 7.4.5. The basis for the planning authority's reason for refusal is that the proposed development would access onto the N25, generate traffic turning movement which may interfere with the safety and free flow of traffic on the public road, endanger

public safety by reason of a traffic hazard, and set a highly undesirable precedent. Thereby being contrary to policy in the WCCDP (Policy Objectives Trans 39 and Trans 41) and National Roads Guidelines.

- 7.4.6. In the first party appeal, the applicant acknowledges the access road has not been taken in charge by the council, but disputes the description of the access road as a private farm road, states the road is fully accessible to the public, used by several businesses and individuals (details provided of users), is maintained by the council, and the existing road signage and markings have been provided by the council.
- 7.5. The applicant submits that the proposed development would not give rise to any intensification in use of the access onto the N25 but would maintain the current status quo (as applicant and fiancée reside at the family home).
- 7.5.1. No response to the appeal has been received from the planning authority.

Policy in the Guidelines

- 7.5.2. In assessing the appeal case, I consider clarity is necessary regarding the wording of the applicable policy context. I propose to discuss that of the National Road Guidelines in the first instance (as these predate the development plan), followed by the WCCDP.
- 7.5.3. Section 2.5 of the guidelines requires policy for different scenarios to be incorporated into development plans. Relevant to the appeal case is that which relates to:
‘Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant’ (bold emphasis from the guidelines).
- 7.5.4. In the first instance, I question the applicability of Section 2.5 to the proposed development as this policy relates to lands adjoining national roads. As I described above, the appeal site is between c.225m (crow-flies) and c.293m (travelling along the access road) from the N25. The site does not/ are not lands which adjoin the N25.

- 7.5.5. Notwithstanding and continuing, it is evident the proposed development does not constitute ‘the creation of any additional access point from new development...to national roads...’. Based on the refusal reason, the planning authority is of the opinion that the proposed development would constitute ‘the generation of increased traffic from existing accesses to national roads...’.
- 7.5.6. I do not concur with the planning authority as I do not consider that the existing T junction between the N25 and the access road comes within the scope of ‘existing accesses’ as referred to in Section 2.5 of the guidelines. In my opinion, the references to ‘access point’ and/ or ‘existing accesses’ in that section of the guidelines relate to entrance(s) serving form(s) of development (including rural dwelling(s)) directly from lands adjoining national roads. I consider the proposed development comprises a new entrance onto an existing lower-tier road which uses an existing T junction (with road signage and markings) to connect with the N25. That being, the existing arrangement is not an access point but a formal junction.
- 7.5.7. I note that the applicant disputes the planning authority’s description of the access road as a private road. However, I do not consider whether the access road is public or private to be the pertinent issue. I consider the key issue is that the T junction is not an access point (i.e., an entrance serving, for example, a dwelling or other use class operation) which directly connects to and from the N25. Instead, the formal junction is serving an access road (which itself has a number of access points) that is used by several persons.
- 7.5.8. I consider the scenario presented in the appeal case to be akin to a new development proposal on any local tertiary road across the country that intersects with a national road.
- 7.5.9. The proposed development is not generating increased traffic from an existing access point from lands adjoining a national road. Instead, the proposal would generate traffic which accesses onto a lower-tier road that in turn connects via an existing formal junction onto the N25. In my opinion, there is a material difference in the scenarios.

Policy in the Development Plan

- 7.5.10. The planning authority’s refusal reason refers to Policy Objectives Trans 39 and Trans 41. The referred-to objectives are as follows:

Policy Objective Trans 39:

We will maintain and protect the **strategic transport function and capacity of** motorways and **the national roads and associated junctions** in accordance with the Spatial Planning and National Roads Guidelines (2012) and the Trans-European Networks (TEN-T) Regulation.

Policy Objective Trans 41:

National Roads: **Avoid the creation of** any additional access points from new development or the **material increase in traffic using existing access points to National Roads**, to which a speed limit of greater than 60 kph applies in accordance with the requirements set out in the Spatial Planning and National Road Guidelines, DECLG (2012).

(Note: my bold emphasis)

(I also note that policy in Section 2.5 of the guidelines and Policy Objective Trans 41 have been incorporated into/ are reflected in Development Management DM 45 of the WCCDP (see section 5.0 of this report above)).

- 7.5.11. As applicable to the proposed development, these objectives seek to protect the function and capacity of the N25 and the existing T junction from a material increase in traffic. The applicant submits that the proposed development would not give rise to any intensification in use of the T junction but would maintain the current status quo. From a review of the case documentation and having undertaken my site inspection, I consider the applicant's position to be reasonable.
- 7.5.12. As the applicant and his fiancée currently reside at the family home, and the applicant has taken over the operation of the existing family farm, the current traffic situation (i.e., number and frequency of trips generated) on the access road, T junction, and N25 already incorporates several trips that would be associated with the proposed development.
- 7.5.13. In this regard, I do not consider that the proposed development would generate such additional traffic flows as to prohibit the strategic function or overload the carrying capacity of the N25 and/ or the T junction (thereby being contrary to Policy Objective Trans 39) or to constitute a material increase in traffic at the junction (thereby being contrary to Policy Objective Trans 41).

7.5.14. Importantly I highlight to the Commission that the basis for both objectives and the development management standard is to be in accordance with the requirements of the National Road Guidelines, the applicability of which for the proposed development, I have discussed above.

Public Safety and Traffic Hazard

7.5.15. The potential for the proposed development to endanger public safety by reason of a traffic hazard is cited in the planning authority's refusal reason.

7.5.16. Table 8.1 in Section 8.6 of the WCCDP's Development Management Standards indicates the minimum sightline requirements onto national roads with a speed limit of 100kmh as being 215m.

7.5.17. Table 8.1 includes a note which states that sightlines of 30m shall be required for dwellings accessing onto a cul-de-sac (serving not more than 3 dwellings), and that where the cul-de-sac meets the major road, sightlines pertaining to that road must also be achieved.

7.5.18. The Roads Department report on the case file indicates that the minimum required sightlines of 215m for an entrance onto a national road are achieved at the existing junction. There is no objection to the proposal on public safety or traffic hazard grounds, nor conditions recommended in the event of a grant of permission.

7.5.19. I note that there are no observations from prescribed body Transport Infrastructure Ireland (TII) on the application or the appeal.

7.5.20. On review of the above, I do not consider that it has been adequately demonstrated that the proposed development would endanger public safety by reason of a traffic hazard. The case documentation (see Dwg No. d-02016.6: Site Layout Plan, Sightlines) indicates that the required sightlines at the T junction presently exist. This was accepted by the Roads Department, without objection to the proposal.

7.5.21. I consider that the note in Table 8.1 describes and plans for a scenario directly comparable with the proposed development. The new vehicular entrance onto the access road (a cul-de-sac) achieves the required 30m sightlines and the T junction (where the cul-de-sac meets the major road) benefits from sightlines of 215m in each direction.

7.5.22. As such, I consider the proposed development complies with the requirements of Section 8.6 of the WCCDP's Development Management Standards, and in the absence of evidence indicating otherwise, does not endanger public safety by reason of a traffic hazard.

Alternative Siting Options

7.5.23. The planning authority report refers to the extent of the applicant's family landownership, that this may extend to the nearest public road to the north L6090, and that an alternative site in that location/ accessing from that road would be more appropriate for the proposed development. I note that the planning authority's preference for an alternative site was not cited in the decision to refuse permission.

7.5.24. I have reviewed the landholding details submitted with the application (the landholding does have road frontage onto the L6090), the available mapping information, and travelled the L6090 at the time of my site inspection. The L6090 is a straight narrow road serving detached residences and farming operations. The L6090 is similar in width to the access road but is a through road not a cul de sac.

7.5.25. In travelling the L6090, I note that the road intersects with the N25 at two existing staggered T junctions. These are staggered junctions with the R673 (regional road to Ardmore) to the east and to the west of the T junction between the access road and N25.

7.5.26. I consider that were the proposed development to be located at an alternative site on the L6090, the traffic generated would, in any event, access onto the N25 via an existing junction. I consider such an arrangement to have the same effect as the currently proposed arrangement, i.e., the proposal accessing onto a lower-tier road which intersects with the N25 via an existing formal junction.

7.5.27. I consider the proposed development to be the more sustainable option whereby the applicant meets his local housing need adjacent to the family home and importantly, the existing farmyard and agricultural buildings.

Planning History

7.5.28. The Commission will be aware of ABP 321808-25 (PA Ref. 24/60449) under which permission was refused for a dwelling, entrance, and associated site works on lands c.8.5km to the northeast of the proposed development. Permission was refused due

to the intensification of an existing entrance on a section of the N25, the negative impact on the traffic safety and carrying capacity of the road, and the creation of traffic hazard.

7.5.29. I have reviewed the case documentation of ABP 321808-25 including the Inspector's report and Board's Direction and Order to determine whether a precedent has been set for the proposed development.

7.5.30. I note there are differences in the case of ABP 321808-25 and the proposed development. I consider these to be material differences whereby the decision to refuse permission for ABP 321808-25 does not set a precedent for the assessment of the proposed development. These are as follows:

- Proposal sought to use an existing entrance serving an existing family farmhouse and farmyard.
- Existing entrance and subject site are part of lands adjoining the N25.
- Existing entrance directly accesses onto the N25.
- The WCCDP required 215m sightlines for entrances onto the N25 did not exist.
- Partial demolition of vernacular building and hedgerow boundary removal were proposed to achieve the required 215m sightlines.
- TII had made a submission on the application to the planning authority and an observation to the Board recommending refusal of the proposed development due to failure to comply with the National Roads Guidelines.

Conclusion

7.5.31. In conclusion, I consider that the proposed development does not constitute a form of development to which Section 2.5 of the National Roads Guidelines applies, that the proposal complies with WCCDP Policy Objectives Trans 39 and 41, and would not endanger public safety by reason of a traffic hazard due to the WCCDP required sightlines being achieved (proposed site access and existing T junction). I consider the subject site to be the most appropriate option in terms of reducing and managing traffic generation associated with farming activities at the family farming landholding

7.6. **Water Services and Water Quality (New Issue)**

Context

- 7.6.1. The proposed development includes a septic tank wastewater treatment system with percolation area. The application is accompanied by a Site Characterisation Report (SCR). The subsurface percolation test value is reported as 25.56min/ 25mm. It is stated that all minimum separation distances are met, and the site is suitable for development.

Groundwater Categorisation

- 7.6.2. The SCR states that the aquifer category is locally important and the groundwater vulnerability is high. The groundwater protection response is indicated as 'R1' (see 2.0 General Details of the SCR).
- 7.6.3. The planning authority's report notes that the applicant's groundwater categorisation of high is in conflict with that of the Geological Survey of Ireland (GSI) which categorises the whole of the site as extreme. It is suggested that '...the applicant be made aware of this and invited to address it, submitting a revised form as appropriate'. While this comment is in the planning authority's assessment, I note that it was not cited in the decision to refuse permission.
- 7.6.4. Except for the above statement, the planning authority's report did not discuss the implication of the incorrect categorisation of groundwater vulnerability. There is no internal technical report from a Drainage Section.
- 7.6.5. I have reviewed the available mapping information on the GSI website relating to groundwater vulnerability. I have identified the appeal site and confirm the site is within an area of extreme groundwater vulnerability. I consider the applicant has incorrectly mapped the site in the SCR (image on pg. 18) and incorrectly indicated the groundwater protection response as 'R1'.
- 7.6.6. In considering the implication for the incorrect categorisation, I have had regard to the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021), Appendix E: Groundwater Protection Responses, Table E1: Response Matrix For DWWTs. For sites where the aquifer category is locally important and the groundwater vulnerability is extreme, the groundwater protection response is indicated as 'R2'.

- 7.6.7. R2¹ is defined as: *‘Acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised’.*
- 7.6.8. I note that the ‘R2¹’ response is marginally more onerous than that of ‘R1’. I have reviewed Chapter 6: Determining Site Suitability and the Appropriate DWWTS, Table 6.3 Minimum Unsaturated Soil and/ or Subsoil Depth Requirements. The results of the trial hole test (no bedrock or water table encountered to a depth of 2.1m) would appear to satisfy the minimum requirements for percolation trenches and intermittent soil filters following septic tanks. However, the onus is on the applicant to confirm whether the minimum depths referred-to above are available at the appeal site.

Percolation Test Holes

- 7.6.9. On further review of the applicant’s SCR, I note the dates and times of the steps undertaken for the percolation test holes (see 3.3(a) Subsurface Percolation Test for Subsoil of the SCR). Pre-soaking began on 10th May at 9.30am, second pre-soaking on 11th May at 9.30am with the main percolation test commencing on 12th May at 10am. This equates to a period in excess of 48 hours.
- 7.6.10. I have had regard to the EPA Code of Practice, Appendix D: Percolation Test Procedure. Step 2 of which states *‘The hole should be pre-soaked twice from 4 to 24 hours before the start of the percolation test by carefully pouring clear water into the hole to fill it to the full height of 400 mm’.*
- 7.6.11. As the pre-soaking period prior to the commencement of the percolation test notably exceeds the maximum period of 24 hours, it may not be possible to rely on the results of the percolation tests, the subsurface percolation value, and the size of the percolation area (number and length of trenches). Again, the onus is on the applicant to demonstrate the site is suitable for the proposed septic tank and percolation area.
- 7.6.12. I note that other features and metrics in the SCR indicate that the site has the necessary conditions to be able to accommodate a septic tank and percolation area. These include the site topography and slope, groundwater flow, presence of drainage ditches, absence of springs, distances to private wells, trial hole depth, absence of bedrock and water table, description of soil conditions encountered.

7.6.13. As stated previously, there is no internal technical report from a Drainage Section, and the planning officer did not note or comment on the percolation tests in the SCR. As such, I consider this to be a new issue in the assessment of the proposed development. Accordingly, in the interests of fairness, the Commission may consider it reasonable to invite the applicant to address the above items.

Conclusion

7.6.14. In conclusion, the Site Characterisation Report for the proposed development has not been undertaken in accordance with the requirements of the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021). The applicant has failed to satisfactorily demonstrate that effluent from the development could be satisfactorily treated and disposed of on-site and that groundwater quality would not be adversely affected. As such, the proposed development would be prejudicial to public health.

8.0 Environmental Impact Assessment

8.1. The proposal is of a class of development identified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations) for the purposes of Environmental Impact Assessment (EIA). Accordingly, I have undertaken a pre-screening exercise and preliminary examination of the proposed development (see Appendix 1 and Appendix 2 respectively of this report below).

8.2. By taking into account the nature and scale of the proposed development, the location of the site outside of any highly sensitive and/ or designated locations, the existing pattern of development in the vicinity, the information and reports submitted as part of the application and appeal, and the criteria set out in Schedule 7 of the 2001 Regulations, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development, and that the need for an EIA and the submission of an EIAR is not required.

9.0 Appropriate Assessment

9.1. Stage 1 – Screening Determination for Appropriate Assessment

9.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required (see Appendix 3 of this report below).

9.1.2. This conclusion is based on:

- Nature, scale and location of the proposed development.
- Objective information presented in the case file and from verified sources (e.g., EPA, NPWS, planning authority).
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from European sites.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

9.1.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 **Water Status Impact Assessment**

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface water bodies and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2. Having regard to the information on the case file, I conclude that the project would not result in a risk of deterioration on any surface waterbody. However, I am unable to conclude that the project would not result in a risk of deterioration on the groundwater body either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise the groundwater body in reaching its WFD

objectives. Consequently, the project cannot be screened out and excluded from further assessment (see Appendix 4 of this report below).

11.0 Recommendation

Following from the above assessment, I recommend that permission be REFUSED for the proposed development for the reason and considerations set out below.

12.0 Reason and Considerations

1. Having regard to the incorrect categorisation of groundwater vulnerability at the subject site, the incorrect selection of the groundwater protection response for the proposed development, and the non-compliance with the percolation test procedure required under the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021), the Commission is not satisfied that effluent from the development can be satisfactorily treated and disposed of on-site and/ or that groundwater quality would not be adversely affected. The proposed development would therefore be prejudicial to public health, pose an unacceptable risk of environmental pollution and be contrary to the proper planning and sustainable development of the area.

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

Phillippa Joyce

Senior Planning Inspector

2nd December 2025

Appendix 1: Environmental Impact Assessment – Pre-Screening

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	✓
(that is involving construction works, demolition, or interventions in the natural surroundings)		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	✓	Class 10(b) Infrastructure Projects	Proceed to Q3
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓	Class 10(b)(i)	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Relevant thresholds arising from Classes: - Class 10(b)(i): more than 500 dwelling units.	Preliminary Examination required
5. Has Schedule 7A information been submitted?			
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: _____

Appendix 2: Environmental Impact Assessment – Preliminary Examination

<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. 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>	<p>Project comprises a single dwelling with associated site works on a greenfield site (part of an agricultural field) within a rural area. The project includes an on-site wastewater treatment plant and a soakaway for the disposal of stormwater run-off from paved/ roofed areas. Project does not differ in terms of character or of scale from the surrounding area (i.e., majority are other detached dwellings, there are more intense-use class operations).</p> <p>Project would cause physical changes to the appearance of the site during the construction and operation (occupation) works, and these would be within acceptable parameters for the receiving area. No significant use of natural resources is anticipated. The project would connect to a private well for water supply.</p> <p>Construction phase activities would result in the use of potentially harmful materials, and cause noise and dust emissions. These would likely be typical of similar construction sites. Conventional waste produced from construction and operational activities would be managed.</p> <p>Notwithstanding the shortcomings identified in the Site Characterisation Report, it is considered that the likelihood of significant effects (such that would result in the requirement for an EIA) from the on-site treatment of wastewater from the dwelling on the environment can be reasonably excluded.</p> <p>Project would not cause likely significant effects on human health (such that would result in the requirement for an EIA) through water contamination, air pollution, the design of the scheme, or scale of residential activity.</p>
<p>Location of development</p>	<p>Project is not located in, on, or adjoining any European Site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or</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>protection. No evidence of protected habitats, plants, or fauna species. No direct hydrological connections identified between the site and closest waterbodies. No flood risk issues.</p> <p>There are no archaeological or architectural heritage designations (protected structures, architectural conservation area) pertaining to/ recorded at the site.</p> <p>The site is allocated within a 'Low Sensitive' scenic classification for landscape assessment purposes. As the project is modest in design and nature, no adverse visual impacts are anticipated.</p>	
<p>Types and characteristics of potential impacts</p> <p>(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>	<p>Amelioration of environmental impacts have been incorporated into the project's design.</p> <p>Mitigation measures would include those required by conditions attached to a grant of permission in relation to construction and operation phases.</p> <p>There are no likely significant effects identified or anticipated in terms of cumulative and/ or transboundary effects.</p>	
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.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: _____

DP/ ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Appropriate Assessment – Screening

I have considered the project (proposed development) in light of the requirements section 177U of the Planning and Development Act 2000 as amended. The project is a single dwelling with associated site works on a greenfield site within a rural area. The project includes an on-site wastewater treatment plant and a soakaway for the disposal of stormwater run-off.

There are no watercourses at or adjacent to the site. The Addrigoole River is the closest watercourse, located c.234m to the south of the site (crow-flies, watercourse rises on the southern side of the N25, flows in a southeasterly direction). The Licky River is located c.727m to the north of the site (crow flies, watercourse flows in a southwesterly direction along the base of the northern side of an upland area (the site is located on the southern side of the upland area)).

The project is located between two European site designations, c.3.64km inland to the northwest of the coastal Helvick Head to Ballyquin SPA, and c.0.61km upland to the south of the Blackwater River (Cork/ Waterford) SAC (the Licky River flows through the SAC). The QIs of the SPA include five bird species (conservation objectives to restore the favourable condition of same), and those of the SAC include estuaries, mudflats, sandflats, salt meadows, woods, forests, mussel, several fish species, otter, and fern (conservation objectives to restore and maintain the favourable condition of same).

The project includes an on-site wastewater treatment plant and soakaway for the disposal of stormwater. The soakaway ensures a level of on-site attenuation and initial treatment prior to discharge to ground. The site is part of an agricultural field with no evidence of habitats or species with links to any European sites (i.e., no ecological connections). Due to the proximity and location of watercourses, there are no meaningful direct hydrological connections to any European sites. The planning authority screened out the need for appropriate assessment, and no nature conservation concerns are raised in the planning appeal.

Notwithstanding the shortcomings identified in the Site Characterisation Report, it is considered that the likelihood of significant effects (such that would result in the requirement for an AA) from the on-site treatment of wastewater from the dwelling on any European site can be reasonably excluded.

I am satisfied that the project can be eliminated from further assessment because there is no conceivable risk to any European site. This conclusion is based on the:

- Nature, scale and location of the project.
- Objective information presented in the case file and from verified sources (e.g., EPA, NPWS, planning authority).
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from the European sites.

- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

I conclude that the project would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) under section 177V of the Planning and Development Act 2000 is not required.

Inspector: _____

Date: _____

Appendix 4: Water Status Impact Assessment – Screening

The project is a single dwelling with associated site works on a greenfield site within a rural area. The project includes an on-site wastewater treatment plant and a soakaway for the disposal of stormwater run-off from paved/ roofed areas. The soakaway ensures a level of on-site attenuation and initial treatment prior to discharge to ground.

There are no watercourses at or adjacent to the site. The Adrigoole River is the closest watercourse, located c.234m to the south of the site (crow-flies, watercourse rises on the southern side of the N25, flows in a southeasterly direction).

The river is part of the Adrigoole_010 waterbody (EPA: IE_SE_17A050900), which has a Water Framework Directive (WFD) status of 'good', an environmental objective of 'good', an under 'review' risk of not achieving its WFD objective, and no identified pressures on the waterbody. The underlying groundwater body is Helvick Head (EPA: IE_SH_G_073), which has a WFD status of 'good', an environmental objective of 'good', a 'not at risk' of not achieving its WFD objective, and no identified pressures on the waterbody.

Due to the absence of and/ or proximity to watercourses, there are no direct hydrological connections from the site to any surface water bodies.

However, there is a hydrological connection to groundwater via the proposed stormwater disposal and treated wastewater discharge. The Site Characterisation Report for the project has not been undertaken in accordance with the requirements of the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021). Accordingly, it is unclear whether effluent from the project could be satisfactorily treated and disposed of on-site and/ or that groundwater quality would not be adversely affected.

I have assessed the project and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface water bodies and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having regard to the information on the case file, I conclude that the project would not result in a risk of deterioration on any surface waterbody. However, I am unable to conclude that the project would not result in a risk of deterioration on the groundwater body either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise the groundwater body in reaching its WFD objectives. Consequently, the project cannot be screened out and excluded from further assessment.

Inspector: _____ Date: _____