



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323750-25

#### Development

Construction of 126 no. residential units, consisting of 102 no. two storey 3 and 4 bedroom terraced / semi-detached houses including Blocks 1 and 2 (1109sqm each) comprising of 2no. 3 storey apartment blocks with 24no. apartments (4no. 1 bedroom and 20 no. 2 bedroom units) with associated parking and creche facility and all ancillary associated site works (<https://kilrush-lrd.ie>)

#### Location

Kilrush, Dungarvan, Co. Waterford

#### Planning Authority

Waterford City and County Council

#### Planning Authority Reg. Ref.

2560471

#### Applicant(s)

Cosmo Developments Dungarvan Limited

#### Type of Application

Large-Scale Residential Development

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

|                                |   |
|--------------------------------|---|
| <b>Appellant(s)</b>            | Cosmo Developments Dungarvan<br>Limited |
| <b>Observer(s)</b>             | Brendan Sheridan<br>Seamus Fitzgerald   |
| <b>Date of Site Inspection</b> | 18 <sup>th</sup> November 2025          |
| <b>Inspector</b>               | Emma Nevin                              |

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## **1.0 Introduction**

- 1.1. This is an assessment of an application for a proposed large-scale residential development (LRD) submitted to Waterford City and County Council under the provisions of the Planning and Development Act 2000, as amended (hereinafter referred to as 'the Act'). This application was refused permission by the Planning Authority and subsequently appealed by the applicant to An Coimisiún Pleanála.

## **2.0 Site Location and Description**

- 2.1. This greenfield site, with an area of 3.65 ha., is situated approximately 1km to the northwest of Dungarvan town centre. The site is broadly triangular in shape and bounds the N25 to the south and the R672 to the north, with existing access points to both roads. A low blockwork wall adjoins the extent of the site with the roadside boundary to the south with a hedge and trees to the northern boundary.
- 2.2. Site levels rise upwards in a gradual manner from the R672 in a southerly direction before descending towards the south-western boundary.
- 2.3. The site is bounded by the R627 to the north with an existing residential development comprising of semi-detached and terraced dwellings to the opposite side of the R627. To the east is an existing petrol station and several detached residential dwellings on large plots which front the N25. To the south is the N52 which a mix of large, detached dwellings and semi-detached and terraced housing. To the west is agricultural land.

## **3.0 Proposed Development**

- 3.1. The proposed development comprises of the following:

### Construction Works

- 126 no. residential units consisting of 102 no. two storey 3 and 4 bedroom terraced / semi-detached houses including 50no. 3 bedroom units and 52no. 4 bedroom units, Blocks 1 and 2 (1109 sq. m each) are 2no. 3 storey apartment blocks comprising 24no. apartments (4no. 1 bedroom and 20no. 2 bedroom units) with associated ancillary accommodation.




- A standalone single storey creche building (173 sq. m.) with associated external play area.

#### Ancillary and Supporting Works

- Vehicular access is provided from an access from the Kilrush Road (R672), and pedestrian entrances are proposed to Kilrush Road and the Dungarvan Bypass (N25).
- Provision of 246 no parking spaces including set down and parking spaces (12 no.) for the creche, associated parking for the residential dwellings (204 no. spaces / 2 per dwelling) and the provision of at-grade parking spaces (30 no.) to serve the apartments.
- Ancillary storage, bin stores and bicycle parking compounds.
- Hard and soft landscaping, boundary treatments, surface water and foul drainage connections to existing network and all associated site and development works associated with the above development.

3.2. Key Development Statistics are outlined below:

| KEY STATISTICS                   |  |
|----------------------------------|--|
| <b>No of Units:</b>              | 126  |
| <b>Unit Mix:</b>                 | 4no 1 bed apartments<br>20no. 2 bed apartments<br>50no. 3 bedroom units<br>52no. 4 bedroom units |
| <b>Total GFA:</b>                | 14,803sqm  |
| <b>LRD GFA</b>                   | 14,630sqm  |
| <b>Non LRD GFA</b>               | 173sqm   |
| <b>LRD GFA as % Of Total GFA</b> | c.98.8 %   |
| <b>Housing Density:</b>          | 35 units / ha<br>(based on net site of 3.6ha)  |
| <b>Plot Ratio:</b>               | 1: 0.4   |
| <b>Site Coverage:</b>            | c.25 %   |
| <b>Building Height:</b>          | 2 - 3 storeys  |
| <b>Car Parking Spaces:</b>       | 246 (234no. spaces for residential units and 12no. spaces for creche)                            |

|   |  |                     |               |                      |
|---|--|---------------------|---------------|----------------------|
|   | <b>Net Site Area</b>                           | <b>35,400 sq.m.</b> | <b>3.54ha</b> |                      |
|  | <b>Public Open Space</b><br>including:         | <b>5,378 sq.m.</b>  | <b>0.53ha</b> | <b>15.2% of site</b> |
|  | <i>Play area (natural play, equipped, etc)</i> | <i>526.4 sq.m.</i>  |               |                      |
|  | <b>Communal Open Space</b>                     | <b>175 sq.m.</b>    |               |                      |

3.3. The application was accompanied by the following technical reports, appendices and drawings:

- BMA Planning Report- Response to LRD Opinion;
- Kilrush LRD Opinion;
- Kilrush LRD - Applicant Consent to Agent;
- Part V Proposal and Draft Agreement;
- WCCC Letter of Consent;
- Visuals Booklet;
- Architectural & Urban Design Statement;
- Building Lifecycle Report;
- Daylight & Sunlight Assessment & Shadow Analysis Report;
- Housing Quality Assessment;
- Materials Strategy;
- Universal Design & Access Statement;
- Proposed Part V Drawings;
- LP Landscape Plan;
- Detail Area 1;

- Detail Area 2;
- Detail Area 3;
- Boundary Treatment Plan;
- Soft Landscape Plan;
- Open Space Calculation;
- Tree Survey TS;
- Tree Survey Constrains TC;
- LDR Landscape Design Rationale compressed;
- Tree Report-TSR;
- Tree Survey Sheets;
- LRD Opinion Stormwater;
- LRD Opinion Pedestrian Connectivity;
- Infrastructure Design Report;
- SWMP & SSFRA;
- TTA & FMMP;
- DMURS Compliance Report;
- Quality Audit;
- Climate Action Energy Statement;
- Outdoor Lighting Report;
- Outdoor Lighting Drawing;
- Outline Construction and Environmental Management Plan;
- Ecological Impact Assessment EclA;
- Report to Inform Screening for Appropriate Assessment.

## **4.0 Planning Authority Pre-Application Opinion**

### **4.1. Pre-application consultation meeting**

- 4.1.1. The Planning Authority refer to pre-application ref: 2024/3: Kilrush, Dungarvan, Cosmo Developments Ltd - Planning Application For Large Scale Residential Development (LRD) comprising c126 residential units, creche and all associated site and development works.
- 4.1.2. The planners report also noted there has been detailed and extensive pre-planning discussions on the site including pre-planning meetings as well as the formal LRD Opinion issued on 7th April 2025. There was also active engagement between the Roads Section and the Engineering Consultants regarding stormwater design.

#### **4.2. Planning Authority Opinion**

- 4.2.1. In the Notice of LRD Opinion dated the 7<sup>th</sup> day of April 2025, the Planning Authority states that opinion highlighted issues in relation to Design and Layout, Roads, Pedestrian Connectivity, Habitats, Archaeology, Stormwater. The following is of note:
- The Planning Authority remains unsatisfied that the matter of stormwater has been adequately addressed so as to prevent future flooding issues at The Spring roundabout, Fr Twomey's Road. In the absence of a satisfactory design solution either by way of local authority upgrade works or alternatively infrastructure upgrade by the developer, the planning authority is of the opinion that the development is premature.
  - Provision shall be made for pedestrian connectivity from the site eastwards to the Kilrush roundabout.... A footpath and public lighting shall be constructed along the southern edge of the R672. Revised drawings detailing same shall be included at application stage

#### **4.3. Applicants Response to Opinion**

- 4.3.1. The application includes a Planning Application Report/Response to LRD Opinion. Section 2 of the applicant's Statement outlines how the application is considered to comply with the respective requirements listed in the Planning Authority's opinion, including stormwater infrastructure, design and layout, internal road layout, pedestrian connectivity, habitats, archaeology, general.
- 4.3.2. The applicant concludes *"In terms of the site specific and scheme design considerations, the proposed development is in line with the local policy as detailed*



*in the Waterford City and County City Development Plan 2022-2028 and relevant Section 28 Guidelines”.*

## **5.0 Planning Authority Decision**

### **5.1. Decision**

- 5.1.1. The Planning Authority refused planning permission for the proposed development on 2<sup>nd</sup> September 2025 for one reason, as follows:

“Having regard to the details submitted with the application the Planning Authority is not satisfied that the existing stormwater network can accommodate any impact of the proposed development given the existing capacity constraints in the network and having due regard to the severe flooding events which have occurred downstream of the site. In this regard, it is not considered that the drainage proposals would represent a sustainable approach to servicing of the proposed development. As such, the proposed development is considered premature until necessary infrastructural upgrade works are in place. Thus, the proposed development if permitted would conflict with the policy and objectives of the Waterford City and County Development Plan 2022- 2028 including Policy Objectives UTL 09, UTL 10 and H18, relating to stormwater and flood risk management and would therefore be contrary to the proper planning and sustainable development of the area”.

### **5.2. Planning Authority Reports**

- 5.2.1. The Planning Report dated 26<sup>th</sup> August 2025 reflects the decision of the Planning Authority and can be summarised as follows:

#### Zoning Policy

- A residential development is acceptable in principle on the subject site subject to satisfying normal residential development design standards in the current development plan and also demonstrating that the development can be satisfactorily accessed and serviced;

- Having regard to the Statement of Consistency submitted, the planning planner was satisfied that the proposed development fully complies with national, regional and local planning policies.

#### Housing Mix

- The housing mix provides for a reasonable selection of house types and accommodation provision, ranging from larger family homes to smaller units thereby catering for a variety of household size, as required by national/local housing standards and design.

#### Density

- In terms of density, regard is had to national guidance on the matter as per the 'Sustainable Residential Development and Compact Settlements– Guidelines for Planning Authorities, 2024' and issued by the Department of Environment, Heritage and Local Government. The guidelines state that densities of 30 dph to 50 dph shall generally be applied at suburban and urban extensions of Key Towns such as Dungarvan.
- The planner was satisfied that the proposed density of 35 dph is within acceptable range and would be fully compliant with national guidelines.

#### Layout and Design

- The design of the scheme has been developed in accordance with national guidelines, in particular the Compact Settlement Guidelines 2024 and Design Standards for New Apartments. The scheme has been designed with regard to neighbouring developments and so as to ensure compatibility with the character of the area.
- The proposed dwellings are located in a number of blocks with good frontage onto both public roads.
- A row of gable fronted detached dwellings front onto the R672 set back behind the neighbouring building line to the east.
- The planner considers that dwelling no. 1 to the eastern site boundary, given its location to the rear of the adjacent dwelling, it would be preferable that the

dwelling be revised to dormer design in order to reduce the stark appearance of the side elevation (a condition is recommended in this regard).

- The layout provides the majority of dwellings fronting onto open space.
- The proposed apartment blocks (ridge height 13m) are at the southern boundary of the site and provide a strong urban edge to the N25. All dwellings on corner sites have dual frontage omitting the impact of high blank walls. It is also noted that all apartments have dual frontage aspect in accordance with National Apartment Guidelines.
- External finishes of proposed residential units comprise brick and render. Overall, the proposed units are of a good standard and finish, and it is considered their design to be of merit and considered for the site.
- The planner is satisfied that the layout makes optimum use of the site and results in a layout which is acceptable both from a residential amenity, visual impact perspective and in terms of the proper planning and sustainable development of the area.

#### Residential Amenity

- The zoned nature of the site, the proposed design and layout which is considered to be of merit, the screening along the boundaries and the fact that all minimum separation distances between existing and proposed dwellings have been met. On balance it is not considered that the proposed development would result in significant adverse impacts on the amenities of the area.
- The site surveys/layout drawings adequately reflect the potential impact on neighbouring dwellings, also noting the submitted Daylight/Shadow analysis.

#### Development Standards

- 126 no. residential units, being 2 storey detached, semi-detached and terraced units to include 24 no. apartments also proposed, the housing mix is generally acceptable with a good variety of house type proposed.
- Several units have Universal Access and adaptable layouts ensuring flexibility of design to accommodate future needs.

- Private amenity space has been identified for each dwelling unit and would be deemed to comply with DM standards.
- A site layout drawing has been submitted detailing boundary treatments for proposed site - block walls are proposed along rear site boundaries, intersite boundaries are 1.8m treated timber with concrete post.
- Existing boundary to south is to be retained. A 1.2m high railing and planting is proposed onto R672.
- No boundary treatment is proposed to the front of dwellings.
- Each house has 2 no. spaces within each curtilage. The apartments have designated parking to the front. Communal visitor parking and bicycle parking is also provided for all units and creche.
- A phasing plan has been submitted.
- Enclosed designated bin stores are provided for proposed apartments and mid terraced units.

#### Open Space

- The proposed open space provision amounts to 15% of the site area. Overall the quality and quantity of the proposed open space is satisfactory and would be deemed to comply with DM standards while exceeding national guidelines.

#### Childcare

- Having reviewed the submitted drawings it is considered that the proposed design, siting and layout of the creche is acceptable.

#### Phasing

- Section 2.5 of the CEMP would indicate that the residential units are to be constructed in 3 phases. From the detail submitted a construction compound and associated carparking area are to be accommodated at the location of the creche and dwellings 1-5. It is unclear when this element of the development will be developed, it would be preferable that the creche be constructed in tandem with the construction of phase 2. A separate construction access immediately adjoining the estate road is proposed to serve the construction compound.

### Appropriate Assessment

- The applicant has submitted a Stage 1 Screening for Appropriate Assessment which concluded that a Stage 2 Natura Impact Statement was not required. An Ecological Impact Assessment has also been submitted.
- The referral response from the Heritage Officer indicates no objection to the proposed development subject to implementation of mitigation measures contained in the EclA, Tree Report and Landscape Plan, also noting the low ecological value of the site.

### Surface Water

- Notwithstanding the details providing in relation to greenfield runoff rates and proposed onsite SUDS measures as outlined above, it is the opinion of the planning authority that the proposal is premature until such time as identified surface water drainage issues in the wider network have been addressed.

### Flooding

- The Flood Risk Assessment concludes that the overall flood risk for the site can be classified as low. While this may be the case, the planning authority is not satisfied that development of the subject site would not result in flooding elsewhere. Given the deficiencies in the stormwater network this matter would have to be resolved in order to assure certainty from a flood risk management perspective.

### Roads and Access

- The design of the road network follows the principles of sustainable transport, Active Travel and is in line with current design standards and philosophy. Concerns raised at pre-planning stage in particular with regard to the main spine road - requirements for horizontal deflection - have been taken on board and satisfactorily incorporated into the submitted layout.

### Other Matters

- The Traffic and Transport Impact Assessment prepared by DBFL Engineers concludes that the proposed residential development within the zoned and serviced settlement of Dungarvan would represent a sustainable and practical

approach to development with no material traffic or road safety impacts that would preclude the proposed development. The planner has no difficulty with these findings.

- A pre-connection Agreement with Irish Water has been submitted with the application confirming that connection to the Irish Water network can be facilitated subject to infrastructure upgrades to service the development.
- The applicant is proposing to provide 20% of the proposed units on site to meet Part V obligations which equates to 25 no. units. It is stated that final confirmation of the units will be subject to agreement with the Housing Section following any grant of permission.
- Development Contributions Applicable in respect of 126 no. dwelling units and creche (173sqm) based on current Development Contribution Scheme.

#### Conclusion and Recommendation

- There are serious concerns regarding the proposed development from an infrastructural perspective. While there are no major issues with the siting, design and layout of the proposal save minor amendments to the road width, roadside boundary treatment and dwelling design for site no. 1, the existing stormwater network cannot accommodate the impact of the proposed development given the capacity constraints to cater for existing stormwater flows, noting the severe flooding which has occurred downstream of the site during recent storm events. As such the proposed development is premature until necessary stormwater infrastructural upgrade works are in place, the Planning Authority recommended a refusal to grant planning permission for this LRD based solely on the reason stated in their decision as noted in Section 5.1.1 above.

#### 5.2.2. Other Technical Reports

- A/Senior Assistant Chief Fire Officer - No response received.
- Executive Architect Economic Development The Mall - No response received.
- Snr Executive Architect Housing - No response received.

- Building Control Officer - No response received.
- District Engineer Dungarvan/Lismore – Report received 26<sup>th</sup> August 2025, noting:
  - Main issue is that there is a flooding history in this area, capacity of the existing network is not sufficient to cater for existing stormwater flows during severe weather events.
  - Impact of the proposed development on the downstream catchment is not adequately addressed.
  - In the absence of infrastructural improvement works to address the deficiencies in the stormwater network the proposed development is considered premature. Internal Road Layout
  - Issues raised at pre-planning stage regarding pedestrian crossings, internal junction and road design, signage, turning areas within the site have been satisfactorily addressed in terms of submitted Site Layout Plan.
  - Connectivity from the proposed estate to the existing infrastructure is required in the interests of pedestrian safety. A footpath and public lighting shall be constructed on the southern boundary of the R672 to existing pedestrian crossing before Kilrush roundabout. A special contribution shall be levied in respect of same.
- Heritage Officer – Report received 24<sup>th</sup> July 2025 noting:
  - Proposed development will not incur loss of habitat from the ecological footprint of the SPA and the site is not used for ex-situ grazing by qualifying species. It is concluded that the proposal individually or in combination with other plans or projects, will not adversely affect the integrity of the Dungarvan Harbour SPA.
  - The site is considered to be of low ecological value and noting proposed mitigation measures contained in the EcIA, Tree Report and Landscape Plan, there is no objection to the proposed development.

- Senior Executive Engineer Environment – Report received 5<sup>th</sup> August 2025, no objection, subject to conditions.
- Place Names Committee – Report received 25<sup>th</sup> July 2025, standard naming condition should be attached to any grant of permission.

#### 5.2.3. Conditions

- Notwithstanding, the decision of the planning authority to refuse permission as noted in Section 5.1.1 above, where bespoke conditions, have been recommended or attached by the internal departments these relevant conditions will be considered in my assessment of the proposed development, and consideration will be given as to whether the condition should be included in any decision to grant by the Coimisiún.

### 5.3. Prescribed/Other Bodies

#### 5.3.1. Department of Housing, Local Government and Heritage (DAU) –

Report received 7<sup>th</sup> October 2025 notes *“Site is located within the environs of a number of recorded monuments. Considering the location and extent of the proposed development and associated groundworks, there is potential for any surviving archaeological remains/features to be impacted upon. Recommended that a fieldwork-based Archaeological Impact Assessment Report be requested as Further Information”*.

#### 5.3.2. ESB Networks Ltd. –

Report received 24<sup>th</sup> July 2025 notes no observations to make.

#### 5.3.3. Uisce Eireann –

Report received 12<sup>th</sup> August 2025 notes water and wastewater connections are feasible subject to upgrades.

### 5.4. Third Party Observations

#### 5.4.1. 4 no. third party observations were received by the planning authority. Issues raised as set out in the Planning Report are as follows:

- Overdevelopment of site;



- Adverse residential amenity impacts, significant loss of privacy, overbearing;
- Inadequate infrastructure to service the development;
- Infringement on property rights.
- Concerns that proposed development will result in flooding of adjoining property;
- Existing underground aquifer may have karst features – ground conditions need to be examined;
- Potential for surface water flooding on public road adjacent to site, removal of existing ditch is a concern in this regard;
- Introduction of housing on a heavily trafficked regional road is a concern – further congestion etc.
- Sluggers in the vicinity of the site which has flooded and impacted houses in the vicinity. Concerns that proposed development would affect the sluggers and result in flooding to both existing and future houses.
- Misleading representation of property.

## 6.0 Planning History

- 6.1.1. ABP-316643-23: Inclusion of the land on the residential zoned land tax draft map. Decision on 14<sup>th</sup> September 2023 to Confirm the determination of the local authority in part and set aside the determination of the local authority and allow the appeal in part.
- 6.1.2. An Bord Pleanála determined that the local authority should be directed to omit Site B, as identified in the appeal submission, as it does not meet the qualifying criteria as set out in section 653B of the Tax Consolidation Act 1997, as amended. The remainder of the lands meet the qualifying criteria and there is no reason to warrant exclusion from the map.

## 7.0 Policy Context

### 7.1. National Planning Policy

#### National Planning Framework (2025)

7.1.1. The National Planning Framework (NPF) 2025 sets out that the ‘major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages’.

7.1.2. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- National Policy Objective 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 22 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- National Policy Objective 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

#### Climate Action Plan, 2024 and 2025

- 7.1.3. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.
- 7.1.4. 2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of - 20%.

### National Biodiversity Action Plan (NBPA) 2023-2030

- 7.1.5. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.
- 7.1.6. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:
- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
  - Objective 2 - Meet Urgent Conservation and Restoration Needs
  - Objective 3 - Secure Nature’s Contribution to People
  - Objective 4 - Enhance the Evidence Base for Action on Biodiversity
  - Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

### Water Framework Directive

- 7.1.7. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.
- 7.1.8. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

## 7.2. Regional Planning Policy

### The Regional Spatial and Economic Strategy for the Southern Region (RSES)

- 7.2.1. The Regional Spatial and Economic Strategy for the Southern Regional Assembly (RSES) identifies employment and population targets for the region which are consistent with the NPF, along with policy objectives to deliver such growth in a sustainable manner in both urban and rural locations. Through its vision statement the RSES seeks to:
- Nurture all our places to realise their full potential.
  - Protect, and enhance our environment.
  - Work to achieve economic prosperity and improved quality of life for all our citizens.
  - Accommodate expanded growth and development in suitable locations; and
  - Promote the region's international reputation as one of Europe's most creative, innovative, greenest and liveable regions.
- 7.2.2. The RSES focuses on building critical mass in Waterford City (as well as Limerick and Cork cities), in order to deliver sustainable employment and population growth, and thereby enhance the function of Waterford City as an engine for broader economic growth in the City region. It also sets out a settlement typology.
- 7.2.3. The area of the RSES and its broad strategic concepts and the spatial expression of the strategy for achieving the vision as they relate to Waterford and County and City.
- 7.2.4. Specific Regional Policy Objective (RPO 24) relates to Dungarvan as follows:
- “a. To strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and in its sub-regional role as a Gaeltacht Service Town, leveraging its strategic location along the Waterford Cork N25 route and to build upon its inherent strengths including historical, cultural and architectural heritage, digital connectivity, skills, innovation and enterprise, tourism (in particular the Waterford Greenway and its potential sustainable expansion), culture and retail services. In respect of its importance to the environment, to tourism, to fishing, and to aquaculture (niche industries supporting rural*

*employment), the RSES supports the environmentally sustainable development and treatment of Dungarvan Harbour and coastline.*

*b. To seek improvements and upgrading of the N25 Waterford to Cork route, the N72 Dungarvan to Mallow and the R672 linking the Key Towns of Clonmel and Dungarvan.*

*c. To support the development of Dungarvan as the Gaeltacht Service Town for Gaeltacht na nDéise.*

*d. To support for enhanced provision of bus services to enable improved intra-regional and inter-regional connectivity to attract more passengers to public transport and away from use of private motor cars.*

*e. To support the continued development of cycling and walking infrastructure as part of Go Dungarvan Smarter Travel Programme and to support the accessibility of the public realm for vulnerable road/ footpath users and persons with disabilities.*

*f. To support the delivery of the infrastructural requirements identified for Dungarvan (including amenities and facilities for the community and voluntary sector) subject to the outcome of the planning process and environmental assessments.*

*g. Support the development of Dungarvan as a subregional centre for education and training, including lifelong learning, by building on existing links with international third-level education providers and WIT; and*

*h. Support investment in flood defence measures”.*

### **7.3. Section 28 Ministerial Guidelines**

7.3.1. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise of:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);

7.3.2. The guidelines note *“City and Regional Growth Drivers: To underpin regional balance, target 50% of projected population growth into the five cities of Dublin, Cork, Limerick, Galway and Waterford, with the balance of growth targeted throughout the country. The strategy supports the future growth of Dublin as Ireland’s leading global city of scale. It also sets ambitious growth targets for the four cities of Cork, Limerick, Galway and Waterford”*.

- Design Standards for Apartments, Guidelines for Planning Authorities, (2025)

7.3.3. The guidelines, hereafter referred to as the Apartment Guidelines, provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site’s context. It also sets out SPPRs to be adhered to across a range of parameters. Applicable standards for the proposed development include requirements in respect of minimum floor areas, and by reference to Appendix 1, minimum storage and private open space areas, % of dual aspect units ,and minimum 2.7m requirement for ground level floor to ceiling height.

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the ‘Building Heights Guidelines’);

7.3.4. SPPR 3: An application needs to set out how the development complies with development management criteria in relation to at the scale of the relevant city/ town, at the scale of district/ neighbourhood/ street and at the scale of the site/ building.

- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January 2018;
- Childcare Facilities – Guidelines for Planning Authorities (2001) (hereinafter the ‘Childcare Guidelines’).

7.3.5. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (2023);
- Delivering Homes Building Communities (2025);

- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011, 3rd Edition 2022);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);

#### 7.4. County/City Policy

##### Waterford City and County Development Plan, 2022 - 2028

- 7.4.1. The site is located on lands zoned 'New Residential', in the Development Plan with a stated objective *"To provide for new residential in tandem with the provision of the necessary social and physical infrastructure"*.
- 7.4.2. Under this objective, a residential development is acceptable in principle on the subject site subject to satisfying normal residential development design standards in the current development plan and also demonstrating that the development can be satisfactorily accessed and serviced.
- 7.4.3. Section 1.3.4 of the Plan references Dungarvan Key Town.
- 7.4.4. Table 2.2 Settlement Hierarchy and Typology – Dungarvan.
- 7.4.5. Section 2.14 Housing Land Requirement – *"Dungarvan Key Town: The provision of lands for new residential development seeks to consolidate existing residential areas close to the historic core of Dungarvan, at Monang to the east of the Old Hospital Road and at Shandon. The longer-term objective will be to further consolidate the town by way of future residential development, school(s), amenity, and commercial uses west of the Colligan River in the general Shandon area (between the Shandon Road, The Colligan River and the Cappoquin Road) subject to investment in enabling storm water and roads infrastructure and amenity spaces during the lifetime*



*of the Development Plan. The recent decision by An Bord Pleanála to permit a Strategic Housing Development in Duckspool based on the land use zoning objectives of the Dungarvan Town Development Plan 2012-2018 is noted however it is considered that any change to the land use zoning objectives of the Plan to support this decision would be contrary to the stated vision, strategic goals and outcomes of the Plan which seek to sustainably develop Dungarvan by way of compact, sequential and town centre first development. Lands identified for future residential development during the life of the Plan have been identified as either Phase 1 or Phase 2, the details of which are identified in Table 2.3, Figure 2.7, Appendix 17 and the associated maps”.*

7.4.6. As per the zoning and flood mapping of the Development Plan, the subject lands are identified as Phase 1 lands.

7.4.7. General Housing Policy Objectives including:

- H 02 *“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)*”.

7.4.8. Utility, Energy & Communication Policy Objectives including:

- 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 runoff 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. • Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas: Water Sensitive Urban Design Best Practice Interim Guidance Document 2022*

*(DHLG&H) and updates of same. In all instances the use of Nature Based Solutions is preferred to engineered solutions”.*

- UTL 10 Flooding/ SFRA *“To reduce the risk of new development being affected by possible future flooding by: • Avoiding development in areas at risk of flooding, • Where possible, reducing the causes of flooding to and from existing and future development, • Increase the application of SuDS such as permeable paving, bioretention/infiltration ponds, swales and Natural Water Retention Measures, and the identification of existing areas which may be suitable for temporary storage/overflow of water during heavy storms, • Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction, and adaptation to the risk; and, • Ensuring that all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management –Guidelines for Planning Authorities 2009”, “Climate Action and Low Carbon Development Act” (2021), and any amendment thereof, and the “Waterford Strategic Flood Risk Assessment” (2021) as included in Appendix 13. • To support the making of Local Area Plan for larger urban centres we will prepare surface water management plans where adequate data exists to support their preparation. Where data is lacking, we will carry out a data review gap analysis and prepare conceptual surface water management plans as an initial step. • We will support the development of new flood relief schemes by the OPW, in particular those at Aglish, Ballyduff and Dungarvan & Environs while protecting public investment in flood relief schemes as detailed in Section 4.4.3 of the SFRA (Appendix 13)”.*

7.4.9. Climate Resilient Housing Policy Objectives, including:

- H 18 *“We will require all new residential development to incorporate the following measures to enhance climate resilience: • An ecosystems services approach utilising Sustainable Urban Drainage Systems (SuDS) to reduce runoff at source and apply site and regional SuDS measures to enhance water quality by the use of inter alia green roofs, rain gardens, bioretention measures/swales, tree trenches and water butts and other such measures;”*

7.4.10. I would like to highlight to the Coimisiún that the aforementioned policy objectives UTL 09, UTL10 and H18 were referred to by the planning authority in the reason for refusal. This will be discussed further in my assessment.

7.4.11. Volume 2 of the Plan - Development Management Standards, including:

- Section 3.0 Residential Development;
- Table 3.1 General Standards for New Residential Development in Urban Areas;
- Table 3. 2 Minimum Private Open Space Requirements for Dwelling Units;
- 3.4.3 Apartment Standards;
- 3.4.4 Minimum Space Requirements for Apartments;
- 3.4.5 Dual Aspect Requirements;
- 3.4.6 Apartment Floor to Ceiling Height.
- Section 4.0 Residential Miscellaneous;
- Section 7.0 Parking Standards;
- Section 8.5 Road Safety Audit & Traffic Impact Assessment
- Section 9.8.1 and 9.8.2, Flood Risk Mitigation of Developments and Surface Water and Sewer Drainage/Flooding;
- Section 11.0 Zoning and Land Use;

7.4.12. Other Relevant Development Plan Sections and Objectives

- Section 5.14 Car Parking;
- 5.12 Mobility Management Plans;
- Section 5.15 Bicycle Parking;
- Section 6.3 Storm and Surface Water Management;
- Section 7.5 Housing for All;
- Section 7.6 Housing Type and Tenure;
- Section 7.19 Childcare and Educational Facilities;
- Chapter 8 Placemaking;

- Appendix 3: Waterford Housing Strategy and Housing Strategy and Housing Need Demand Assessment;
- Appendix 13 – SFRA.

## 7.5. Natural Heritage Designations

7.5.1. The following European Sites should be noted:

| Name  | Site Code | Distance from Site |
|---|-----------|--------------------|
| Glendine Wood SAC                           | [002324]  | 4.2km              |
| Blackwater River<br>(Cork/Waterford)<br>SAC | [002170]  | 5.9km              |
| Helvick Head SAC                            | [000665]  | 7.6km              |
| Comeragh Mountains<br>SAC                   | [001952]  | 9.3km              |
| Dungarvan Harbour<br>SPA                    | [004032]  | 800m               |
| Helvick Head to<br>Ballyquin SPA            | [004192]  | 7.1km              |
| Mid-Waterford Coast<br>SPA                  | [004193]  | 8.8km              |

## 8.0 The Appeal

### 8.1. Grounds of Appeal

8.1.1. A first party appeal has been submitted on behalf of the applicant in response to the local authority reason for refusal. The appeal report includes various Appendices A-E including, notification of decision to refuse permission, DBFL Consulting Engineers – technical note, Waterford City and County Council Road Report, Extracts from Waterford City and County Council Foreshore Licence Application, Extracts from

RZLT file – Waterford City and County Council and An Bord Pleanála (formerly) Reports.

8.1.2. The first party grounds of appeal may be summarised as follows:

- The applicant purchased the site following an unsuccessful challenge against the inclusion of the lands on the RZLT register.
- The ruling confirmed that there is sufficient capacity in the surface water network to accommodate development of the lands and the lands were purchased by the applicant on the basis that there were fully serviced and developable.
- Based on the Council report it appears that the development of the site is now being linked to strategic stormwater projects which have been proposed for over 20 years and, which have been progressed by the Local Authority in terms of both the planning process and capital funding.
- The appellant strongly refutes the Council's position on technical and policy grounds and the basis of fairness and equity.
- The Council cannot explicitly state on one hand, as recently as 2023, that the lands are zoned, fully serviced and confirmed as having sufficient capacity to accommodate development of the lands, whilst now on the other hand holding the view that they are "premature".
- The Council appears not to have undertaken any detailed review or assessment of the technical stormwater management strategy put forward for the current application other than to contend that the development is premature.
- As outlined in the LRD Opinion Response, the applicant requested all available information from the Council's Roads Section relating to existing eastern catchment stormwater infrastructure capacity issues referenced, the information provided was very limited.
- The proposed Kilrush LRD scheme incorporates a robust Sustainable Urban Drainage System (SuDS) strategy with extensive, on-site attenuation designed to reduce maximum runoff below greenfield rates. It is a fact that is not countered by the Planning Authority that the peak storm discharge rate from the site would be capped at 0.5 L/s, a 94% reduction compared to the

existing natural runoff rate (8.7 L/s). Therefore, rather than overburdening the existing network, the development improves the status quo by reducing net outflow to the downstream system.

- The zoning of the site as "RE1 - New Residential" carries no phasing or infrastructural pre-condition in the Waterford City & County Development Plan, 2022-2028.
- In the assessment of the site in the context of the development plan's core strategy assessment, the site was identified as capable of development with only minor works. (Score 1: Existing infrastructure can support the development of the site, subject to on-site works, some minor works at access points or linking into available existing systems.). The Development Plan requires all new developments to incorporate SuDS and limit discharge to greenfield runoff rates which is what this proposal achieves, demonstrates clearly and substantially surpasses.
- The "serviceability" of the site was also considered in detail and was confirmed in writing by the context of the Residential Zoned Land Tax (RZLT) process, and this was further confirmed by An Coimisiún Pleanála. If the Local Authority considered the land to be "premature" for development, it had ample opportunity to note this in the context of the Development Plan and RZLT procedures as outlined in this appeal submission.
- The details submitted with the submitted with the application included comprehensive engineering input from DBFL Consulting Engineers.
- The Council provided no evidence of a capacity threshold exceeded as a result of the proposed development. There is no evidence presented that the proposed development would contribute to a worsening of the current situation.
- The applicant's proposal will result in a reduction in discharge from the current application site and therefore will represent an improvement on the status quo.
- There is no direct connection between the proposed development and increased flood risk, or how the proposed development will exacerbate this flood risk.

- There is a lack of detail provided on the extent of off-site works required to serve the proposed development as referenced in the reason for refusal.
- Reference is made to the Council's Stormwater Projects – including the N25/Shandon Bridge Outfall and the Spring Road Roundabout / Fr. Twomey's Road Outfall Upgrade.
- The WCCC Draft Capital Plan 2025 includes an allocation for 'Stormwater West Dungarvan' project, it assumed that this funding relates to these projects.
- The appellant is willing to accept a condition of permission to survey and repair the pipe along the R627 fronting the site, and to agree the parameters of the related rectification works with the Council prior to the commencement of development.
- It is considered that the DBFL strategy provides comprehensive evidence of compliance with Policy UTL9 and the Council has given no reasoned assessment of why the current application is contrary to this policy.
- Policy UTL10 supports the applicants' position in this appeal that the strategic public investment in stormwater management in Dungarvan is a matter for the location authority (OPW) and not the responsibility of individual land owners in the context of individual planning applications.
- Policy H18 Climate Resilient Housing Policy Objectives reference the utilisation of SUDS measures in general but contains no specific provisions that are worthy of inclusion in a refusal reason on the current application.
- Reference is made to the Waterford City and County Development Contribution Scheme, 2023 – 2029 which required a levy on all planning applications that includes a contribution of surface water infrastructure. By halting the development the Council is undermining the ability to fund the surface water infrastructure upgrades.
- Section 28 Guidelines – Development Contribution Guidelines for Planning Authorities 2013, state that individual developments should not be burdened by the cost of strategic projects that benefit the wider urban area.
- The cost of strategic projects was never intended to be the responsibility of landowners.



- Reference is made to a recent decision (ACP: 322509) in relation to an LRD development at Duckspool where the Coimisiún agreed that a proposed new roundabout which would provide a much wider benefit to the town did not come within the scope of Section 48(2)(c), the same rationale applies in this appeal in respect of infrastructural improvement works.
- The siting, design and layout of the proposal was deemed acceptable and therefore the applicant respectfully asks ACP to adjudicate on this matter and to grant permission for this much needed housing.

## **8.2. Planning Authority Response**

8.2.1. No response received from the Planning Authority.

## **8.3. Observations**

8.3.1. Two no. (2 no.) observations were received. One observation was in opposition of the development and one observation favour of the development.

8.3.2. The key planning issues raised in the observation opposed to the development are as follows:

- The access to the site is proposed on the R672 Dungarvan to Cappoquin Road, which is considered a regionally important road.
- A proposal has been given to upgrade the surface water pipe to the southeast. This outfall is shown to exit at the Shandon Roundabout.
- From historic attempts to access the outfall, the conclusion at the time was that the water exited under the applicant's land.
- The type of ground associated with the site is a Sandstone till (sandy) Course Loamy drift with Siliceous stones.
- The observer believes that the area is Karst and an aquifer may be present under the site.
- It is the belief of the observer that the existing manhole and surface water collection is not connected into a surface water pipe but an existing aquifer.

- If this manhole forms part of the development this will be overwhelmed with surface water flow and this may impact adjoining dwellings in respect to flooding.
- The existing underground aquifer may have karst features, the proposed development could impact them. The only way to establish the ground conditions is with ground penetration radar with soil investigations.
- Flooding of the observers lands as a result of the proposed development.
- The design of the scheme needs to be considered in respect of surface water drainage.
- The raising of the ground to accommodate a pedestrian access to the front of the site could cause surface water to be funnelled towards the observers dwelling.
- The observations and findings on investigations that need to be undertaken have the potential to impact the findings of the AA screening and NIS.
- The introduction of a housing development of this size may cause further traffic congestion, in particular in peak hour and this needs to be assessed.
- The Commission is requested to uphold the decision to refuse permission.

8.3.3. The key planning issues raised in the observation in support of the development are as follows:

- The Council's decision contradicts the facts established in the context of the RZLT process.
- The Council confirmed that the lands were fully serviced, including for surface water drainage.
- Reference to a newspaper article in the 'Dungarvan Leader', which referred to the Council's decision and the contradiction in the Council's position in respect to these lands.
- It is confirmed that funding has been allocated to carry out stormwater works on the western side of Dungarvan.

#### **8.4. Further Responses**

8.4.1. None received.

### **9.0 Assessment**

#### **9.1. Introduction/Context**

- 9.1.1. The Coimisiún received a first party appeal on a large scale residential development for 126 no, residential units consisting of dwellings and apartments, creche and all associated site works. As noted above 2 no. observations were made in respect to the first party appeal, the issues have been summarised above and will be considered in my assessment to follow.
- 9.1.2. In summary, the Waterford City and County Council planners' report considered that the principle of the development was in compliance with zoning objective for the lands 'New Residential' and in this regard a residential development would be acceptable in principle. It was also considered that the proposal complies with national, regional and local planning policies.
- 9.1.3. The planners' assessment also noted there are no major issues with the siting, design and layout of the proposal save minor amendments to the road width, roadside boundary treatment and dwelling design for site no. 1, which could be addressed by way of suitable conditions.
- 9.1.4. Notwithstanding, there are serious concerns regarding the proposed development from an infrastructural perspective, in that the existing stormwater network cannot accommodate the impact of the proposed development given the capacity constraints to cater for existing stormwater flows. Reference was made to the previous flooding events downstream of the site during storm event and therefore it considered that the proposed development is premature until necessary stormwater infrastructure upgrade works are in place.
- 9.1.5. Permission was refused for this reason as noted in Section 5.1.1 above.
- 9.1.6. Therefore, the following are the main issues I consider to be pertinent in my assessment of this first party appeal:

- Principle of Development and Policy Compliance

- Surface Water Drainage, including Flooding
- Traffic and Transport
- Residential Amenity
- Conditions
- Other Matters

## 9.2. Principle of Development and Policy Compliance

### Zoning

- 9.2.1. The subject site is zoned in the Waterford City and County Development Plan 2022 – 2028 for “new residential” development, which has the objective to *“To provide for new residential in tandem with the provision of the necessary social and physical infrastructure”*. In this regard, the proposed residential development is acceptable in principle on this site and accords with the land use zoning matrix provided for in Table 11.2 Volume 2 of the Development Plan.
- 9.2.2. The site is located within the settlement boundary of Dungarvan, a designated Key town within the County Settlement hierarchy with strong educational, healthcare, retail and tourism infrastructure. Key Towns are identified as “strategically located urban centre with accessibility and significant influence in a sub-regional context”. The appeal site is within the settlement boundary and is readily serviced and is well located within walking distance of Dungarvan town. The Core Strategy in the City and County Development Plan has a minimum target of 330 units for Dungarvan / Ballinroad up to 2028.
- 9.2.3. The site is identified in Figure 2.7 of the Development Plan as Phase 1 residential lands, this is also reflected on the land use zoning map. As such, these lands have been identified for future development during the life of the Plan.
- 9.2.4. In respect to compact growth, the Development Plan highlights that consideration must be given to the delivery of Housing Strategy in order to meet the housing needs of our communities, balance the provision of social and affordable private housing, ensure effective delivery of housing and mitigate current residential leakage and unsustainable travel patterns. To this end, the Plan notes *“Dungarvan is designated as one of 14 Key Towns in the RSES and it plays a critical role in underpinning the*

*RSES and ensuring a consolidated spread of growth beyond the cities to the sub-regional level”, the Plan further states “The provision of lands for new residential development seeks to consolidate existing residential areas close to the historic core of Dungarvan”.*

- 9.2.5. Table 2.4 Core Strategy identifies the population and housing unit target as envisaged for Waterford City and County. The Plan states *“The minimum housing target of 4,824 will ensure that Waterford City has the capacity to develop in its role as a regional economic driver for the wider city region as envisaged in the NPF/RSES, while the growth identified for Dungarvan, Tramore, other towns/villages and rural areas will facilitate the sustainable growth of these areas over the lifetime of the Development Plan”.*
- 9.2.6. Table 2.4 states that for Dungarvan/ Ballinroad key towns, that a Land Zoning Requirement to Deliver Minimum Housing Target of between 3.3% (Minimum 50% / 30% infill lands (ha)), and 7.7% (Remaining 50% / 70% (non-infill) (ha)) is allocated.
- 9.2.7. Section 1.3.4 of the Plan states that “The town will be the focus for significant growth (more than 30%) during the period to 2040”.
- 9.2.8. Therefore, having regard to the zoning objective pertaining to the lands and the guidance referenced in the Development Plan 2022 – 2028 in respect to the development of residential growth with particular reference to the delivery of Phase 1 lands during the lifetime of the Plan, Dungarvan as a key town, the principle of residential development on the subject lands is acceptable.

#### Density

- 9.2.9. Table 2.4 Core Strategy Table of the Development Plan indicates a target residential density of 30 units per hectare for Dungarvan/Ballinroad.
- 9.2.10. The proposed housing density is 35 dwellings per hectare (dph) net based on the proposed 126 no. housing units (i.e. 102 no. dwellings and 24 no. apartments). Having regard to the urban location of the subject site, its general character, pattern development and the existing service provision therein, that the density as proposed accords with the Development Plan.

#### National Policy and Regional Guidelines

- 9.2.11. I reference the NPF (First Revision), within which compact growth is identified as a National Strategic Outcome of the NPF.
- 9.2.12. The RSES also contains a specific Regional Policy Objective (RPO 24) in relation to Dungarvan which support the strategic goals identified for the town in the Dungarvan Town Development Plan 2012 – 2018.
- 9.2.13. The Development Plan reinforces RPO 24 and states that “the implementation of Regional Policy Objective 24, the RSES seeks to strengthen this function in terms of growing economic activity and population and providing infrastructure to support this growth; in particular, enhanced placemaking and regeneration of the town centre, improvements to the N25 and N72, upgrades to water and wastewater services, and improvements to sustainable transport modes”.
- 9.2.14. In terms of regional guidance, I reference the Compact Settlement Guidelines (2024), which have a specific focus on the renewal of existing settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements. The Guidelines notes to achieve compact growth it will be necessary to increase the scale and density of development of sites, particularly in locations served by existing facilities and public transport. The proposed housing density is 35 dwellings per hectare aligns with the Sustainable Residential Development and Compact Settlements– Guidelines for Planning Authorities, 2024’ that state that that densities of 30 dph to 50 dph shall generally be applied at suburban and urban extensions of Key Towns such as Dungarvan.
- 9.2.15. I also note Delivering Homes, Building Communities 2025, which aims to speed up and support the delivery of housing, and the facilities that will result in the creation of sustainable and well-balanced communities.
- 9.2.16. I also reference the Apartment Guidelines (2025), which states that “*The NPF was revised in 2025, reaffirming the Government’s commitment to Compact Growth. This includes a new approach to monitoring urban growth and a tool to track and compare urban development trends across the main urban settlements*”.
- 9.2.17. Accordingly, the principle of residential development on these lands, accords with the relevant guidance noted above. I note that other relevant Section 28 Guidance

will be referred to in the following assessment. The Plan also references the delivery of housing of all types, including apartments.

Conclusion:

9.2.18. Based on the foregoing, I am satisfied that the principle of a proposed large scale residential development would be acceptable under this zoning objective and would be an appropriate land use for these lands located at the edge of Dungarvan town, subject to environmental considerations and other design and layout factors, which will be considered further in my assessment below.

9.2.19. I am also satisfied that the proposal would be acceptable in the context of current Development Plan 2022-2028 policy and objectives, and National and Regional Planning Guidance, with specific reference to residential development in Dungarvan.

**9.3. Surface Water Drainage, including Flooding**

9.3.1. The reason for refusal cites that the details submitted with the planning application, does not adequately demonstrate that the existing stormwater network can accommodate any impact of the proposed development given the existing capacity constraints in the network and having due regard to the severe flooding events which have occurred downstream of the site. The planning authority also considers that the drainage proposals would not represent a sustainable approach to servicing the proposed development, would thereby be premature and would conflict with the policy and objectives of the Waterford City and County Development Plan 2022-2028 including Policy Objectives UTL 09, UTL 10 and H18, relating to stormwater and flood risk management.

9.3.2. The planners report notes in relation to surface water that *“the proposals put forward by the applicant are noted, however, notwithstanding the details providing in relation to greenfield runoff rates and proposed onsite SUDS measures as outlined above, it is the opinion of the planning authority that the proposal is premature until such time as identified surface water drainage issues in the wider network have been addressed”*.

9.3.3. A third party observation to the appeal expresses concerns in respect to surface water flooding on the site and the potential implications of the proposed development

on the existing surface water and flooding of their dwelling, which adjoins the site. Concerns are also raised in respect to the existing bedrock at the site.

- 9.3.4. The first party appeal, which includes a Planning Appeal Technical Note – Stormwater Infrastructure, contends that the Council has not carried out a full assessment of the development and has provided no evidence of a capacity threshold exceeded.
- 9.3.5. The appellant notes that the peak storm discharge rate from the site would be capped at 0.5 L/s, a 94% reduction compared to the existing natural runoff rate (8.7 L/s). Therefore, rather than overburdening the existing network, the development improves the status quo by reducing net outflow to the downstream system.
- 9.3.6. Surface water proposals include (i) permeable paving, (ii) 3 no above ground infiltration basins within amenity spaces and (iii) at the final connection point to the existing surface water sewer along the R672, a flow control device, (such as a hydro-brake or vortex flow limiter) will be installed to cap the discharge rate.
- 9.3.7. I note that there are no restrictions in the Development Plan with respect to proposals for surface water management features within public amenity spaces.
- 9.3.8. It is the contention of the appellant that post-development the site will no longer generate uncontrolled run-offs.
- 9.3.9. The appellant further states that they are willing to accept a condition of permission to survey and repair the pipe along the R627 fronting the site, and to agree the parameters of the related rectification works with the Council prior to the commencement of development.
- 9.3.10. Having reviewed the drainage proposals for the site, I note that that the natural drainage catchment of the site is approximately 75% to the north and 25% to the south. Water on the existing greenfield site generally infiltrates to ground via a soakaway feature known as a 'Sluggah,' (which is a stream), situated within the subject site area at its northern border. During periods of heavy rainfall, this feature overflows, discharging into the existing surface water network along the R672. It is proposed to discharge zero flows to the southern catchment with no impact on the Spring Roundabout/Fr. Twomey's stream catchment from a flood risk perspective.



- 9.3.11. I also note that the Construction and Management Management Plan has referenced Drainage works, including Appendix A, which includes an Environmental Controls Register for the construction works on site, which include the management of surface water during construction.
- 9.3.12. The proposal includes a SUDS strategy and on site attenuation designed to reduce maximum run-off below greenfield rates. The proposals will reduce the existing Q-bar run off rate to the downstream catchment by approximately 94%. The development will result in a discharge up to flow rate of 0.5l/s per second, which is minimal expected runoff. Based on the calculations of the existing runoff vs the proposed run off, I am satisfied that the Qbar method used in this application is standard design, and that the proposed SUDS systems i.e. infiltration/siltation are in accordance with best practice guidance. As such, I am satisfied that the surface water drainage proposals improve the existing situation on site in respect of stormwater flows.
- 9.3.13. I also note that during rainfall events, the use of 3 no. infiltration basins in addition to the proposed SUDS treatment will result in interception, sorting and infiltration at source and therefore will result in no additional site discharge, and the maximum discharge rate from the site limited to 0.5l/s as noted above. It is also confirmed that post-development, the site will no longer generate uncontrolled runoff rates. I am satisfied that the application addresses the impact of a continuous discharge rate at the site. I also note the existing greenfield runoff to the southern catchment will be reduced to zero as a result of the proposed development, as the southern portion of the site will be fully attenuated and integrated into the sites on-site strategy, and as stated by the appellant, will benefit the southern downstream catchment overall.
- 9.3.14. The appellant states that the ability to adapt the drainage design to accommodate a discharge arrangement to the south was considered and investigated, I reference Section 3.1 of the first party appeal technical document. However, this would require sewer depths greater than the maximum allowable 5 metres for most of the network, given the change in site levels across the site, with a 9 – 10 metre deep trench in the vicinity of the highest part of the site. The Greater Dublin Strategic Drainage Study (GDSD) sets the normal maximum allowable depth for new surface water sewers at 5 metres deep. This would not be in accordance with best practice guidance, and I concur with the appellant that this would not be a feasible option on this site.

- 9.3.15. The observer states that the underlying bedrock is karst, however, no evidence of this has been provided in the observation. The reports accompanying the application, also make no reference to karst on site. In respect of the baseline data, (based on the GIS data), and site percolation qualities, it appears that the site comprises of good quality well drained soils, which allow for good infiltration. I note that the site was not waterlogged nor in a wet condition at time of my site inspection (18<sup>th</sup> November 2025) and is considered a dry site. As such, I am satisfied that the underlying bedrock is suitable to accommodate the proposed development.
- 9.3.16. Flooding, both associated with surface water runoff from the site and the flood events on adjoining lands has been raised by the third party observation and also as part of the planners' report. In respect of Flood Risk, the Planners' Report notes that *"A Site-Specific Flood Risk Assessment has been carried out. The site is located in Flood Zone 'C', has not been subject to flooding in the past and can be classified as low flood risk. However, the planning authority is not satisfied that development of the site would not result in flooding elsewhere given the deficiencies in the stormwater network and this would have to be resolved"*.
- 9.3.17. The Council's Roads' report notes that there have been severe flood events at the Spring roundabout and Fr Twomey's Road in the vicinity of the site to the south. It is noted that these events are not referenced in the Flood Risk Assessment.
- 9.3.18. A Site Specific Flood Risk Assessment accompanies the proposal. This assessment highlights that the site has not been subject to flooding in the past and concludes that the overall flood risk for the site can be classified as low.
- 9.3.19. I have also reviewed the flood maps, in particular the past flood events (Source: [Flood Maps - Floodinfo.ie](https://www.floodinfo.ie) – accessed 8/12/2025). I acknowledge that flooding has occurred in the area, in particular to the south of the site, as noted in the planners' report, however this does not relate to the application site. I also note that according to the CFRAM maps, the flooding events relate to fluvial and coastal. The flood maps also indicate some approximate points of recurring flooding along the R672, however, no event has been recorded at the application site.
- 9.3.20. Based on the Site Specific Flood Risk Assessment provided, noting that the site is low flood risk, and the proposals for this site, which will result in a reduction in discharge based on the existing situation, I am of the opinion that the proposed

development is unlikely to pose any adverse impact on flooding at this location nor impact on flooding of adjoining sites in the absence of necessary upgrades, as referenced by the Council in their reason for refusal.

- 9.3.21. Moreover, I do not consider that the construction of the footpath and pedestrian crossing to the front of the site will result in surface water flooding of the observers' site, having regard to the adequate surface water proposals on site, as noted in the foregoing assessment.
- 9.3.22. As noted in the forgoing the reason for refusal references the conflict of the proposed surface water proposal having regard to Policy Objective UTL 09, Policy Objective UTL 10 and Policy Objective H18 in respect to stormwater and flood risk management of the Waterford City and County Development Plan, 2022 – 2028.
- 9.3.23. I have set out the Policy Objective UTL 09, Policy Objective UTL 10, and Policy Objective H18 in Section 5.0 above for the benefit of the Coimisiún:
- 9.3.24. It is argued in the appeal that in respect to Policy UTL 9, that the Plan supports the proposed development stating that reducing discharge to greenfield rates is one of the most effective ways to manage flood risk, and promotes nature based solutions, which has been applied to this site.
- 9.3.25. Having regard to the proposed surface water drainage measures for this site and the calculations in respect to SUDS, which have been carried out in accordance with best practice guidance, I am satisfied that the proposed development will improve the existing surface runoff situation on site and, therefore, does not conflict with Policy UTL 9 of the Development Plan.
- 9.3.26. The appellant submits that Policy UTL10 supports the applicants' position in this appeal that the strategic public investment in stormwater management in Dungarvan is a matter for the location authority (OPW) and not the responsibility of individual landowners in the context of individual planning applications. I would generally agree with the appellant in this regard.
- 9.3.27. The policy also notes that new developments should reduce the risk of flooding by a series of measures. In this regard, the applicant submitted a Flood Risk Assessment for the proposed site, which concluded that the site was not located in a flood zone. The proposals reduce the overall discharge from the site and increased the

application of SUDs measures on site as part of the proposed works. As such, I am satisfied that the proposed development does not conflict with Policy UTL 10 of the Development Plan.

- 9.3.28. In respect to Policy H18 the appellant states that this references the utilisation of SUDS measures in general but contains no specific provisions that are worthy of inclusion in a reason for refusal on the current application.
- 9.3.29. In this regard, and noting the objective, I consider that the development has been designed to consider climate resilience in the use of SUDS, to reduce runoff at source and, therefore, does not conflict with Policy H18 of the Development Plan.
- 9.3.30. As suggested by the appellants, I consider it appropriate to include a condition in respect to a survey of the existing 255mm pipe to the front of the site, to determine its condition. If the existing 225mm pipe requires upgrades, this shall be carried out by the applicant at their expense. If the Coimisiún were minded to grant permission a condition should be attached to survey the existing 255mm pipe on the R672 fronting the site, and repair if required and subject to agreement with the Planning Authority.

Conclusion:

- 9.3.31. The first party appellant states that the Councils attempt to tie existing issues and their resolution to the current application site is not reasonable, nor indeed technically feasible and notes that the majority topography of the subject site falls northwards to the eastern catchment, and not southwards, directing surface water away from the Spring Road Roundabout. Following my review of the application, there is no evidence to suggest that the proposed development will contribute to worsening of the current situation.
- 9.3.32. I am satisfied with the proposed surface water proposals for the site as noted above. Moreover, the use of SuDS is promoted on this site, which accords with the Development Plan, 2022-2028. I am satisfied that SuDS has been appropriately taken into consideration in the layout and design of the proposed development, would improve the existing situation on site in respect of surface water runoff, would not result in flooding and would not materially contravene the Development Plan in respect to stormwater and flood risk management.

**9.4. Traffic and Transport**

- 9.4.1. The third party observation cites concerns in respect to increased traffic from the development and the negative impact this will have on traffic along the R672.
- 9.4.2. The proposed development will be accessed via a single entrance adjoining the R672, to the northern boundary of the site. The proposal also includes various pedestrian/cycle access points to the south of the site.
- 9.4.3. The applicant has submitted a Traffic and Transport Impact Statement in support of the development. The report also assesses the traffic impacts associated with existing uses in the area in tandem with the potential level of transport impact likely to be generated by the proposed development.
- 9.4.4. Traffic counts were undertaken in 2024 at 3 key local junction locations. I am satisfied that the assessment presents an adequate account of traffic volumes for the area to assess the proposed development. The traffic generation potential of the proposed development has been estimated using PICADY software. It is estimated that the total vehicle movements generated by the proposed residential development (houses and apartments) will be 17 arrivals and 33 departures in the AM peak (two-way total of 50). The total number of vehicle movements in the PM peak hour will be 37 arrivals and 22 departures (two-way total of 59). It is estimated that the total vehicle movements generated by the proposed creche development will be 4 arrivals and 3 departures in the AM peak (two-way total of 7). The total number of vehicle movements in the PM peak hour will be 4 arrivals and 5 departures (two-way total of 9).
- 9.4.5. I am satisfied with the accuracy and traffic generation figures presented for the scale of the proposed development. I consider that the crèche is envisaged to serve residents of the proposed development and not many trips are expected to be generated from this during the peak hours. I also note that the Roads Department of the Council did not raise any issues with regards to trip generation.
- 9.4.6. As part of the junction analysis the following scenarios were modelled – 2027 Opening Year, 2032 Opening Year + 5 Years and 2042 Opening Year + 15 Years. Each year was modelled with and without development. The traffic network modelling assessment results revealed that there is significant reserve capacity on all approaches of the site access junction for both the Do-Minimum and Do-

Something scenarios in all three design years assessed. Furthermore, queue lengths on all approaches are predicted to be negligible.

- 9.4.7. The Traffic and Transport Impact Assessment has confirmed that *“that the proposals will not result in a significant material deterioration of the network’s operational performance. This is based on the anticipated levels of traffic generated by the proposed LRD and analysis summarised in the above report. It is concluded that the proposals represent a sustainable and practical approach to development on the subject site with no material traffic or road safety related reasons that should prevent the granting of planning permission for the proposed LRD”*. I am satisfied that the proposed access arrangements could safety and adequately accommodate traffic levels as a result of the proposed development.
- 9.4.8. While I acknowledge that there will be a greater volume of traffic as a result of the development, I am satisfied that the proposed access arrangements are acceptable with respect to traffic and pedestrian safety.
- 9.4.9. In relation to existing public transport (i.e. bus) the Traffic and Transport Assessment notes that *“the site situated in close proximity to two existing regional bus services, namely the 40 and 361, which travel through Dungarvan along the N25. The nearest bus stops are the Dungarvan Bypass Stop 216391 southbound and Stop 216271 northbound. The stops are approximately a 6-minute walk (450m) from the site”*.
- 9.4.10. The TTA also notes *“additional bus services (356, 357, 363, 364, 600, and 40) can be accessed at bus stops located at Davitts Quay which is a 1.3 km or 18-minute walk from the proposed development’s site access junction”*. As such, the site is ideally located to benefit from existing, and proposed, public transport facilities.
- 9.4.11. Table 3.1 of the Development Plan states that General Standards for New Residential Development in Urban Areas are required to provide for pedestrians and cyclists as part of the development management process, all new development will be required to maximise permeability and connectivity for pedestrian and cyclists and to create direct links to adjacent roads and public transport networks in accordance with the provisions of DMURS. To this end I note that the proposal includes a southern pedestrian and cyclist access from the site at four locations, this greatly improves permeability and connectivity from the site to the wider area, and encourages the use of public transport and walking, cycling.

- 9.4.12. The report received from the Roads Department, requires a raised pedestrian crossing to be incorporated and for footpaths internally to be 2 metres wide. If the Coimisiún were minded to grant permission I recommend the inclusion of a condition in respect of the pedestrian layout for the agreement of the Planning Authority.
- 9.4.13. I note Objective 51 of the Development Plan in respect of Mobility Management Plans, Traffic and Transport Assessment (TTA) and Road Safety Audits. I note that the application is accompanied by a Stage 1 Quality Audit, inclusive of a Stage 1 Road Safety Audit, and the recommendations therein have been incorporated into the overall design proposal for the scheme. If the Coimisiún were minded to grant permission I recommend the inclusion of a condition in respect of the submission of a final Road Safety Audit for the agreement of the Planning Authority.
- 9.4.14. In terms of car and cycle parking provision, the development includes a total of 188 no. cycle parking spaces and 246 no. car parking spaces.
- 9.4.15. Table 7.1 Car Parking Standards, of Volume 2 of the Development Plan 2022-2028 Development Plan provides guidance for parking associated with new residential development. The Plan requires for 1-2 bedrooms: 1space, for 3bedroom+: 2 space and in relation to visitor parking:
- 9.4.16. 30 no. parking spaces will serve the proposed apartment development with each dwelling providing 2 no. spaces (i.e. 204). This complies with the Development Plan requirement in respect of parking provision for residential development.
- 9.4.17. In terms of cycle parking Table 7.3 notes the standards for residential developments where a minimum of 2 bicycle parking spaces are provided per 5 apartment units, and 2 spaces provided for dwellings i.e. 5 units for 2 bed house and 5 units 3+ bed house. The proposed 188 cycle parking spaces, complies with the Development Plan requirements.
- 9.4.18. I also note that 12 no. parking spaces are proposed to serve the creche development, including a set down area, which accords with the Development Plan requirement of 1 per employee and 1 per 4 children (Table 7.3).
- 9.4.19. The planners' report notes that *"the road widths are all 5m within the site, this would need to be reviewed to provide a minimum road width of 5.5m"*. I note however, that the Roads Department in their report make no reference to the carriageway widths

within the scheme. While I note Objective H 02 of the Development Plan notes *“In granting planning permission, we will ensure new residential development: .... Is designed in accordance with the applicable guidance and standards of the time: including Design Manual for Urban Roads (DMURS) (2020) or any update thereof”*, there is no specific policy objective in respect of carriageway widths.

9.4.20. I reference Section 4.4.1 of DMURS, and Figure 4.55 Carriageway Widths, which states that *“carriageway widths on Arterial and Link Streets for low to moderate design speeds should lie in the range of 5.5 – 6.5 m”, while on “Local Streets carriageway widths should be between 5 – 5.5 m”. The carriageway width for Arterial and Link Streets frequently used by larger vehicles should be between 6.5-7m”*.

9.4.21. The applicant also submitted a Statement of Compliance with DMURS which concludes that *“the development contributes to achieving the DMURS design objectives and achieves an appropriate balance between the functional requirements of different road users, whilst providing for an enhanced sense of place. The implementation of a self-regulating street network will actively manage movement by offering real modal and route choices in a low speed, high quality residential environment. Consequently, the proposed residential development is the outcome of an integrated design approach which will ultimately deliver safe, convenient and attractive networks in addition to promoting real and viable alternatives to car-based journeys”*.

9.4.22. Given that the proposed development comprises of a residential scheme, with an internal local street network, I am satisfied that the proposed road widths of 5 metres, ensure the sense of enclosure throughout the development in accordance with DMURS and there is no basis to require an increased road width.

9.4.23. The report received from the Roads Department, requires specifications to the internal road layout including, stop signals at junctions, horizontal deflection to spine road, speed limit signage, and to provide an adequate turning area for vehicles within cul-de-sac ends. If the Coimisiún were minded to grant permission I recommend the inclusion of a condition in respect of the internal road layout.

9.4.24. I also note that the Roads Department of the Council, have requested that a dual cycle/footpath from the site to the Kilrush roundabout be provided and that this shall be dealt with by appropriate condition. The Roads Department further considered



appropriate that a special contribution be applied in respect of same in order to ensure adequate connectivity from the site, this is further discussed in my assessment below.

- 9.4.25. In respect to the roadside boundary to the R672, a metal railing and hedgerow planting is proposed. The planners' report considers that a brick wall or variation to that effect is more appropriate. However, I consider that the use of a railing and planting at this location to be an appropriate boundary treatment to the R672, also noting the location of the open space to the boundary with the road, which allows for passive surveillance to the front of the site.
- 9.4.26. If the Coimisiún were minded to grant permission I recommend the inclusion of a condition in respect to the provision of a dual cycle footpath from the site, given its location and the potential to provide appropriate cycle/pedestrian facilities. Final details of same to be agreed with the planning authority prior to the commencement of development on site

Conclusion:

- 9.4.27. I am satisfied that the proposed development will not impact on traffic in the area and that adequate car and bicycle provisions have been provided on site.

**9.5. Residential Amenity**

Dwellings:

- 9.5.1. The proposed development will provide for 102 no. dwellings and 24 no. apartments. The scheme is designed around the layout of the site and the site constraints, including adjoining housing developments, hard boundary edge to the Dungarvan bypass, and noting the lack of permeability through the site in particular to the north-south and east-west.
- 9.5.2. The proposed site layout is based around three distinct primary amenity areas distributed across the large site in order to be proximate to a large number of future dwellings/ residents. These amenity areas are located to the north, to the centre and to the south of the site, with the proposed units clustered around the principal public realm spaces.
- 9.5.3. The proposed dwellings comprise of 3 and 4 bedroom units in a mix of terraced, semi-detached and detached dwellings. The Architectural Design Statement notes,

*“All proposed dwelling houses have also been designed to be of a well-proportioned and usable size and adhere to the provisions of the relevant housing design guidelines, namely Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities, 2007. The house sizes proposed will meet and exceed these guidelines in all instances to provide high quality dwelling houses tailored to modern demands for better standards in terms of unit sizes, storage, functional layout and private open space. External storage areas for bicycles and waste are proposed in proximity to the houses or incorporated within the proposed rear garden areas. The diverse mix of house units proposed, being 50 No. 3-Bedroom houses and 52 No. 4-Bedroom houses is in line with local and national guidance”.*

- 9.5.4. To this end, Section 3.4.2 of the Development Plan, notes that in respect of general residential development design standards, that “Designers should also have regard to the targets and standards set out in the “Quality Housing for Sustainable Communities Guidelines”, DCHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation”. This is noted and considered acceptable.
- 9.5.5. Each dwelling will be served by a rear garden or varying areas, however the applicant has not provided a detailed breakdown of the private open space to serve each dwelling. The Architectural Design Statement notes, *“Apart from the public and communal amenity spaces, each unit is designed to have access to their own dedicated private external amenity space. Private open space is proposed to be provided in the form of dedicated private secure rear gardens for all detached, semi-detached and terraced houses in the development. SPPR 2 - Minimum Private Open Space Standards for Houses of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, - the national guidance in relation to housing developments - sets out a specific planning policy requirement that proposals for new houses meet the minimum private open space standards of 20 sq.m, for a 1-bed house, 30 sqm for a 2-bed house, 40 sqm, for a 3-bed house and 50sqm for a 4-bed + house”, and that “a minimum of 40 sqm of private open space for 3 bedroom houses and no less than 50 sqm for 4-bedroom houses will be provided within the curtilage of each dwelling house in the form of a rear garden for three and four bedroom houses”.*

- 9.5.6. I note that the planners report considers that *“private amenity space has been identified for each unit and would be deemed to comply with the DM standards”*.
- 9.5.7. In this regard, while I acknowledged the Compact Settlement Guidelines, I note that some of the proposed dwelling units would appear to fall short of Table 3.2 Minimum Private Open Space Requirements for Dwelling Units of 60 sq. m. for 3-bedrooms and 75 sq. m. for 4 bedrooms (or more). The Development Plan states that *“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”*. In this regard, I am satisfied that the proposed development generally accords with the Development Plan in respect of private open space, in particular for the proposed 4 bedroom dwellings, and will provide a good standard of accommodation of their intended occupiers.
- 9.5.8. In relation to public open space, Table 3. 1 General Standards for New Residential Development in Urban Areas of the Development Plan states that “Public open space should be provided at a minimum rate of 15% of total site area”. The proposed area of public open space equates to a total of 5,378 sq. m. i.e. 15.2% of the site area, which accords with the Development Plan. The proposed public open space areas are located to the north and south of the site and centrally within the scheme, which provides good accessibility to same.

Apartments:

- 9.5.9. The proposal also includes 24 no. apartments, in Blocks 1 and 2, which comprise of two storey buildings positioned to the southwest of the site.
- 9.5.10. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2022 were revoked and replaced with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2023, (DoHLGH, 2023).
- 9.5.11. Since then, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities were revoked and replaced with the Design Standards for Apartments, Guidelines for Planning Authorities, 2025 on the 8th of July 2025. I note that the application was lodged with Waterford City and County Council on 26<sup>th</sup> August 2025, with the appeal lodged on 26<sup>th</sup> September 2025,

therefore after the publication of the aforementioned guidelines, as such the 2025 Apartment Guidelines are relevant to this appeal.

9.5.12. The planners report notes that a Housing Quality Assessment (HQA) for the proposed units has been submitted indicating full compliance with current design standards to include National Apartment Guidelines. However, I note that the Housing Quality Assessment demonstrates the compliance of the proposed apartment units with the requirements of Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2022, therefore a full assessment against the criteria of the 2025 Guidelines is not presented in the planners' report.

9.5.13. In respect of apartment development, Section 3.4.3 of the Development Plan Volume 2 notes in respect of apartment standards, that regard should be given to relevant Government Guidelines, including Design Standards for New Apartments, Guidelines for Planning Authorities, 2020.

9.5.14. As such, I note the following in respect of compliance with the 2025 Apartment Guidelines:

- Storage and Floor Areas

9.5.15. I note the minimum requirements for both storage and floor areas for one and two bedroom apartments as set out in the Guidelines. I have examined the proposed drawings and the submitted HQA, and I am satisfied that they comply with the minimum requirements and SPPR 2 in the Apartment Guidelines in relation to minimum floor areas.

9.5.16. Furthermore, I note that at least 41% of units within the development exceed the minimum sizes set out in SPPR2 by 10% accordance with section 3.3 in the *Apartment Guidelines*.

- Unit Mix

9.5.17. The Apartment Guidelines, 2025 address the issue of unit mix in Section 3.2 and removes requirements for particular housing mixes (other than in specific circumstances). The subject development is for 102 houses and 24 apartments, including one and two bedroom apartment units in 2 no. blocks, and this is proposed to provide for a greater diversity/ choice of housing in the area, and complies with

Section 3.4.1 of Volume 2 of the Development Plan, which notes that “*Planning applications for 15+ residential units will be required to incorporate a variety and choice of housing units by type and size to meet differing household needs and requirement*”, the Plan also states that “*All apartment schemes should provide for a mix of units; comprising of one bedroom, two-bedroom and family units*”.

- Dual Aspect

9.5.18. The requirements of the Apartment Guidelines, 2025, under Section 3.4 and through SPPR3 have reduced the percentage of dual aspect apartments to a minimum of 25%. The proposed development provides for 100% of dual aspect units, which is clearly far greater than the requirement under Section 3.4 and SPPR3 of the guidelines.

- Floor to Ceiling Height

9.5.19. SPPR 4 in the *Apartment Guidelines* requires that the ground level apartment floor to ceiling heights shall be a minimum of 2.7m. I have examined the proposed drawings; the proposed scheme has floor to ceiling heights of 2.7m at ground floor levels with upper floor levels at 2.62m. I am satisfied that the proposed development complies with SPPR 4.

- Maximum Apartments per Floor Core

9.5.20. SPPR 5 of the Apartment Guidelines, 2025, states that there shall be no requirement within statutory plans or within an individual scheme in respect of a minimum number of units per floor per core.

- Private/Communal Amenity Space/Facilities

9.5.21. Section 3.8 of the Apartment Guidelines, 2025 addresses private amenity space stating that shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies or terraces at upper levels. A minimum depth of 1.5 metres is required for private amenity space, including balconies, in one useable length to meet the minimum floor area requirement under these Guidelines.

9.5.22. In respect of private amenity space, the proposed balconies have a minimum depth of 1.5 metres, with areas ranging from 6-7 sq. m. which accords with the guidelines.

9.5.23. The Apartment Guidelines, 2025 address the issue of communal amenity space in Section 4.3. Based on the guidelines, the total communal open space required for the development is 140 sq. m.

9.5.24. An area of dedicated communal open space is proposed to the southern side of the proposed apartment blocks with an area of 175 sq. m., which is in excess of the required communal area for the proposed development.

9.5.25. In respect of Childrens' Play, referenced in Section 4.4, is it noted that recreational needs of children must be considered as part of communal amenity space within apartment schemes. However, the proposed development comprises 24 no. apartments which is below the threshold of the guidelines in respect of children's play needs. Notwithstanding, the proposed development includes for children's play with total area of 526.4 sq. m. within the central and southern areas of public open space.

- Daylight and Sunlight

9.5.26. Daylight: The submitted application including the Daylight and Sunlight assessments, and a shadow analysis report have demonstrated compliance with BRE guidance.

9.5.27. In terms of the amenity areas the report demonstrated that *"the level of sunlight on March 21st within the proposed amenity areas. The results demonstrate that all public amenity open spaces will meet the BRE Guidelines for Sun on the Ground criteria, with all public open space areas achieving far greater than 50% of the area of open space receiving sunlight for at least 2 hours on 21 st March and are therefore fully complaint with the BRE recommendations"*.

9.5.28. *The results demonstrate that 100% of relevant habitable rooms (Bedrooms & Living/ Kitchen/ Dining Rooms) in all Apartments in Block F will meet the BRE Guidelines Spatial Daylight Autonomy (SDA) criteria and are therefore fully complaint with the BRE recommendations.*

9.5.29. *The results demonstrate that 100% of relevant habitable rooms (Bedrooms & Living/ Kitchen/ Dining Rooms) in all Apartments in Block G will meet the BRE Guidelines Spatial Daylight Autonomy (SDA) criteria and are therefore fully complaint with the BRE recommendations.*

9.5.30. Having regard to the layout and location of the proposed development relative to the nearest adjoining residential dwellings, there will be no negative impact on neighbouring dwellings in terms of daylight, and in terms of sunlight.

Conclusion:

9.5.31. As such I am satisfied that the proposed development provides a high quality residential development, with appropriate layout and provision of private, public and communal open space, and demonstrates compliance with both the Development Plan and the Apartment Guidelines in respect of the proposed houses and apartments.

Impact on adjoining Residential Amenity:

9.5.32. The planners' report expressed concerns in respect to the layout of the development, in particular concerns from a residential amenity perspective with the adjoining site to the east and recommended that the dwelling at site no. 1 be revised to a dormer design, which could be addressed by way of condition.

9.5.33. The proposed dwelling at site no. 1, comprises of house Block Type E, which is a detached two storey gable fronted dwelling, with an overall height of 8 metres. In terms of the relationship with the adjoining site to the east, the proposed dwelling will be set back from the front building line of the adjoining dwelling to the east, with a separation distance of 4 metres to the side of the adjoining dwelling, with a proposed set back of 2 metres from the site boundary.

9.5.34. Notwithstanding, the proposed dwelling has an overall depth of 13 metres, over two storeys and will run adjacent to the rear garden of the adjoining site to the east of the site. While I note that the adjoining site to the east has a substantial rear garden, I consider that the scale, height, and proximity of the proposed dwelling with this site would result in an overbearing impact as viewed from the rear of this site, thus detracting from the residential amenity of this dwelling.

9.5.35. I would concur with the planning authority that this dwelling should be revised and to a single storey/dormer design to reduce the potential impact on the adjoining site to the east. If the Coimisiún were minded to grant permission a condition could be attached to revise the design of the house type at site no. 1 to a single storey/dormer

dwelling, in the interests of residential amenity. Details of same to be agreed with the planning authority prior to the commencement of development on site.

#### 9.6. Conditions

- 9.6.1. Reference is also made in the first party appeal to Development Contributions, and the Section 28 Guidelines in respect of Development Contributions, and the fact that individual developers should not be burdened by the cost of strategic projects that benefit the wider area.
- 9.6.2. I refer to Waterford City and County Council Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Coimisiún be minded to grant permission that a Section 48 Development Contribution condition is attached.
- 9.6.3. As noted above, a condition was recommended by the Roads Department in respect of a Section 48(2)(c) Development Contribution, towards the cost of constructing a new footpath extending from the eastern development boundary along the R672 to the existing footpath at the existing Belisha Pedestrian Crossing in the amount of €77,625 (115m x 2.7m (av.) x €250). The planners' report notes that *"the requirement for a dual cycle/footpath from the site to the Kilrush roundabout shall be dealt with by appropriate condition. It is considered appropriate that a special contribution be applied in respect of same in order to ensure adequate connectivity from the site"*.
- 9.6.4. I note that a planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.
- 9.6.5. Accordingly, three essential requirements or characteristics are necessary to justify attachment of a "special contribution" condition. Under this subsection of the Act, the payment must be required
  - a) in respect of a development,
  - b) specific exceptional costs must be incurred as a result of or in order to facilitate it and,



- c) such costs cannot be covered by a Development Contribution Scheme made under Section 48 or 49 of the Act.

- 9.6.6. In this regard, I note that the special contribution is in respect of a development, and in order to facilitate the construction of the new footpath specific costs must be incurred. Moreover, having regard to the nature of the works, these cannot be covered by Section 48 or Section 49 of the Act, in respect of the Development Contribution Scheme and accordingly I am satisfied that the essential requirements to justify the special contribution condition have been met.
- 9.6.7. Having regard to the location of the site and the potential to provide a new footpath to serve the proposed development, I am satisfied that I recommend that should the Coimisiún be minded to grant permission that a Section 48(2)(c) be attached.
- 9.6.8. The report from Department of Housing, Local Government and Heritage, noted the location of the site and the potential for any surviving archaeological remains/features to be impacted upon, the completion of an Archaeological Impact Assessment Report was requested by way of further information. I recommend that should the Coimisiún be minded to grant permission this item be addressed by way of appropriate condition.

## **9.7. Other Matters**

### Appeal and Observations

- 9.7.1. Reference is made in the first party appeal and observation in respect to the RZLT opinion on the subject lands, noted in the planning history above. RZLT appeals considered land in the context of section 653B of the Taxes Consolidation Act and compliance with the criteria set out thereunder without prejudice.
- 9.7.2. Reference is made in the observation to a newspaper article in respect to the planning authority decision in respect of the lands and the available funding to the Council to undertake stormwater works in the area, however, I do not consider that the Coimisiún is in a position to draw any conclusions in relation to the matters raised.
- 9.7.3. Reference is also made in the first party appeal to a development at Duckspool, Dungarvan. I note that all appeal cases should be assessed and determined on their

own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

#### Creche:

- 9.7.4. The application site includes a single storey creche. The proposed creche is located at the northern edge of the development, immediately adjoining the main spine road.
- 9.7.5. The proposed creche has a floor are of 173 sq. m. with a capacity for 33 no. children. A dedicated creche garden is provided with an area of 140 sq. m.
- 9.7.6. I note that the Childcare Facilities: Guidelines for Planning Authorities, 2021 requires one childcare facility per 75 dwellings in new housing developments. This is also echoed in Section 7.19 of the Development Plan.
- 9.7.7. Having regard to the zoning objective pertaining to the site, 'new residential', I note that Childcare Facility/ Crèche is open for consideration under this land use zoning objective.
- 9.7.8. I am generally satisfied with the proposed siting, layout, and design of the proposed creche within the scheme, which accords with the Development Plan and the Childcare Guidelines.

#### Phasing

- 9.7.9. Objective Development Management DM 04 of the Development Plan, 2022 - 2028 notes that applications are required to submit a proposed phasing arrangement. Specifically, Table 3.1 General Standards for New Residential Development in Urban Areas states that *"The Council will require a detailed phasing plan to be submitted with any planning application for residential or mixed-use development. The Phasing Plan shall indicate how each phase shall be completed satisfactorily, in terms of roads/lighting/landscaping, etc. prior to an additional phase commencing"*.
- 9.7.10. Within their Outline Construction Environmental Management Plan, Figure 2.5 indicates the proposed Phasing Plan (Highlighting Construction Compound & Access Points). It is envisaged that the proposed development would be constructed over a 24-month period in three phases as per the phasing plan.
- 9.7.11. A 24-month period for the site development and construction phase, would not be a considerable period of time for a project of this scale, at this location. The planners' report noted that from the phasing plan submitted that it was unclear as to when the

proposed creche would be implemented on site and stated that it would be preferable that the creche be delivered in tandem with the construction of phase 02, which includes the delivery of housing to the southern portion of the site including the proposed apartments.

9.7.12. Having regard to the Phasing Plan, I note that the plan identifies the delivery of the creche in phase 03. While the planners' concerns are noted, I am satisfied that given the location of the creche within the overall scheme that the delivery of the creche in phase 03 of the phasing plan would be acceptable.

9.7.13. I am satisfied that the proposed phasing generally accords with the Development Plan and if the Coimisiún were minded to grant permission a condition could be attached to ensure agreement on the final phasing programme and/or to ensure the delivery of the proposed creche in tandem with a specific phase of development.

#### Building life Cycle

9.7.14. Objective Development Management DM 06 of the Development Plan, 2022 – 2028, also notes that residential development design standards for developments shall be in accordance *“with the “Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities” (2009), and “Sustainable Urban Housing Design Standards for New Apartments”, or any subsequent amendment/ revision of these”*.

9.7.15. To this end I note Section 6.2 of the Apartment Guidelines, 2025, which states that *“, planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents”*.

9.7.16. A Building Lifecycle Report has been provided with the application which provides an initial assessment of long-term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered to effectively manage and reduce costs for the benefit of the residents.

9.7.17. The document also reviews the outline specification set out for the proposed development and explores the practical implementation of the design and material

principles which has informed design of building roofs, façades, internal layouts and detailing of the proposed development. This accords with the requirements of the Development Plan and the Apartment Guidelines, 2025, is considered adequate and acceptable.

## **10.0 Water Framework Directive (WDF)**

### **10.1. Introduction:**

- 10.1.1. The Colligan\_040 waterbody is located some 1.4 km to the north and northwest of the site and is a recorded waterbody on the EPA catchments database.
- 10.1.2. In terms of the groundwater body, the Industrial Facility (P0156-01) Site Code: (IE\_SE\_G\_055) is the applicable groundwater body and is a recorded waterbody on the EPA catchments database.
- 10.1.3. The proposed development comprises of the construction 126 residential units, childcare facility and associated site works on lands at Kilrush, Dungarvan, Co. Waterford.
- 10.1.4. I have assessed the residential development at Kilrush, Dungarvan and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.1.5. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix D after my report. This assessment considered the impact of the development on the:
- Waterbody
  - Groundwater
- 10.1.6. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

### **10.2. Conclusion:**

10.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Appropriate Assessment

11.1.1. The Planning Authority also reported that *“A screening report for appropriate assessment has been submitted. This concludes that, having regard to the nature, scale and location of the proposed works and possible impacts arising from construction works, the qualifying interests and conservation objectives of the European sites and the potential for in-combination effects arising from other plans and projects, on the basis of the best scientific knowledge available, the possibility of any significant impacts on any of the identified European sites as a result of the proposed development, either in itself or in combination with other plans or projects, can be excluded in the light of the conservation objectives of the identified sites. There is therefore no requirement for a Stage 2 appropriate assessment. From a review of the screening information submitted, the planning authority concurs with this”*.

11.1.2. I refer the Coimisiún to Appendix B - Appropriate Assessment Screening Determination of this Addendum Report in support of my Appropriate Assessment conclusion as elaborated upon in the following conclusion.

### Screening Determination

11.1.3. During heavy periods of rainfall, there is potential for surface water discharge into the existing network along the R672. The surface water network outfalls to the stormwater feature / watercourse which flows adjacent to John Treacy Street and is presumed to ultimately outflow into Dungarvan Harbour, which is an SPA. During operation surface waters will be directed to three on-site attenuation areas with overflow to the existing network along the R672, via petrol interceptor and hydrobrake as part of the drainage design for the site. Therefore, there is no pathway for effects during the operational phase and as such there is no terrestrial or direct

hydrological or groundwater pathway between the development site and any Natura 2000 site.

- 11.1.4. I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded.
- 11.1.5. No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases.
- 11.1.6. It is evident from the information before the Coimisiún that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.
- 11.1.7. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the dilution effect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically in relation to any potential impact to a Natura 2000 site.

### **Overall Conclusion**

- 11.1.8. 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.
- 11.1.9. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

11.1.10. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

11.1.11. I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- Surface run-off from the proposed development, during both construction and operational phases respectively, will not result in any perceptible impact on water quality in receiving waters. Surface water discharge points used during the construction phase shall be agreed with the Local Authority prior to commencing works on site.
- Should an accidental pollution event during construction has the potential to affect groundwater quality locally. Whilst this is a possibility, this would be very localised and would not result in the degradation of existing groundwater conditions. Furthermore, there are no groundwater dependent habitats or species associated with the European sites in the vicinity of the site.
- Foul waters will discharge to the existing network and will travel to Dungarvan Wastewater Treatment Plant (WWTP) treatment Plant for treatment prior to discharge; the Dungarvan WWTP is required to operate under EPA licence and meet environmental standards. As per Uisce Eireann website (reviewed 24/11/2025) there is spare capacity available.
- No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites.
- No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## 12.0 Environmental Impact Assessment

12.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by Gannon and Associates –

Dated June 2025) and I now have regard to same. The submitted report considers that *“provided mitigation measures proposed are carried out in full, there will not be any significant negative impact to any valued habitats, designated sites or individual or group of species as a result of the subject development”*.

- 12.2. The applicant submitted an EIA Screening Statement with the application, and I am satisfied that this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.
- 12.3. In respect to ecology, the report references that a bat survey was carried out at the development site. The report noted *“There are a number of mature sycamore and ash trees adjacent to the R672. No potential roost features were noted in these trees during ground-level assessment, however there is potential for features to have gone unrecorded in the higher reaches of these trees or obscured by vegetation”*.
- 12.4. The report further notes that *“A total of four species of bats were recorded foraging and commuting within the proposed development site during the bat activity survey. The treeline to be removed adjacent to the R672 contains some mature trees which have potential to offer suitable roosting habitat for bats”*. The report notes *“felling of the mature ash and sycamore trees adjacent to the R672 on-site should be undertaken during the period of April – September”*, and *“Bat activity recorded within the proposed development site during activity survey was moderate to low. The majority of activity was associated with the western boundary hedgerow and treeline that extends north of this ending at the existing farm buildings (outside the proposed development site). This hedgerow is to be retained and enhanced as part of the proposed development”*.
- 12.5. The report proposes measures related to bats, including:
- Should bats be identified emerging from any trees, a derogation licence will be obtained from the National Parks and Wildlife Service (NPWS) for the disturbance of these bats prior to the tree removal.
  - Should bats be present in any feature, they will be removed by a bat ecologist licenced to handle bats and released in the area on the following evening.



- A total of 4no. bat boxes (Schwegler 2F or similar) will be erected on mature trees within the treeline directly south of the existing farm buildings in order to mitigate the loss of potential roosting habitat.

- 12.6. It was concluded that the proposed development would have a long-term not-significant negative effect on bats, and through the implementation of the mitigation measures in respect of bats, I am satisfied that the development will not impact on any roosting bats on site subject to mitigation measures.
- 12.7. The various reports submitted with the application also address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various standard construction practices recommended, the proposed development will not have a significant impact on the environment.
- 12.8. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.
- 12.9. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.
- 12.10. I concur with the Planning Authority in their Screening determination as follows;
- “An EIAR Screening Statement has been submitted with the application, contained in Appendix A of submitted Planning Report. The proposed development is for 126 no. residential units, creche and associated works and this quantum of dwellings is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. Based on the information submitted with the application, Waterford City and County Council has considered the nature, size and location of the proposed development and the retention development in the*

*context of the criteria set out in Schedule 7 to the 2001 Regulations and is satisfied that EIA is not required”.*

12.11. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

**Screening Conclusion:**

12.12. Having regard to: -

1. The criteria set out in Schedule 7, in particular
  - (a) the nature and scale of the proposed development, within the existing site context
  - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
  - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. The results of other relevant assessments of the effects on the environment submitted by the applicant, i.e. An Appropriate Assessment Screening (Stage 1) and an Ecological Impact Assessment Report were provided in support of the application.
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Coimisiún concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

12.13.A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations – as noted in Appendix B of this Report (Form 3).

## **13.0 Conclusion**

13.1. The application is for the construction of 126 residential units (in a mix of houses and apartments), a crèche and associated development site works on lands at Kilrush Dungarvan, Co. Waterford. Two observations were received (one in opposition and one in favour of the proposed development).

13.2. The planners report considered that there are no major issues with the siting, design and layout of the proposal save minor amendments to the road width, roadside boundary treatment and dwelling design for site no. 1, however, it concluded that the existing stormwater network cannot accommodate the impact of the proposed development given the capacity constraints to cater for existing stormwater flows, noting the severe flooding which has occurred downstream of the site during recent storm events. As such the planning authority consider the proposed development to be premature until necessary stormwater infrastructural upgrade works are in place and permission was refused on 29<sup>th</sup> August 2025 on this basis.

13.3. Notwithstanding the decision of the local authority, having regard to the detailed analysis and surface water drainage proposals, which will result in an overall reduction in the surface water drainage compared to the existing site, and noting that the applicants SUDS design is in accordance with best practice, I am satisfied that the drainage proposals represent a sustainable approach to servicing the development and would not impact on flood risk management in the overall area and does not conflict with objectives within the Waterford City and County Development Plan, 2022 – 2028, with respect to surface water drainage proposals. I also note that the internal reports of the planning authority do not provide a basis to reach a contrary conclusion to the applicants presented as part of the application and appeal.

13.4. The overall layout and design of the proposed scheme on these lands is acceptable and generally accords with the standards within the current Plan, and the zoning objective pertaining to the site, I concur that the design of site no. 1 should be revised to ensure the residential amenity of the adjoining site to the east is protected.

- 13.5. I consider that the proposed development remains consistent with relevant updated section 28 guidance i.e., Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, the National Planning Framework, and the Sustainable Urban Housing: Design Standards for New Apartments, 2025.
- 13.6. The AA concluded that adverse effects on the site integrity of the Dungarvan Harbour SAC, or any Natura Site and the proposed development can be excluded at Stage 1 Screening.
- 13.7. The EIA Screening determined that the development was below threshold in respect EIA and that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.
- 13.8. The WFD assessment concluded that the proposed development would not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise effect any water body in reaching its WFD objectives.

## **14.0 Recommendation**

- 14.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be GRANTED for the following reason and considerations and subject to the conditions outlined below.

## **15.0 Recommended Commission Order**

**Planning and Development Act 2000, as amended**

**Planning Authority:** Waterford City and County Council

**Planning Register Reference Number:** 2560471

**Appeal**

First Party Appeal by Cosmo Developments Dungarvan Limited against the decision made on the 2nd day of September 2025, by Waterford City and County Council to refuse permission for the proposed development.

## **Proposed Development**

Large-scale Residential Development (LRD) consisting of the construction of 126no residential units:

- (i) **102 no.** two storey 3 and 4 bedroom terraced / semi-detached houses (50no. 3 bedroom units; 52no. 4 bedroom units)
- (ii) Blocks 1 and 2 (1109sqm each) of 3 storey apartment blocks comprising **24no.** apartments (4no. 1 bedroom and 20no. 2 bedroom units) with associated ancillary accommodation;
- (iii) Associated parking (204 spaces / 2 per dwelling) and at-grade parking spaces (30no. for the apartments) with ancillary storage, bin stores and bicycle parking compounds;
- (iv) A standalone single storey creche building (173sqm) with associated external play area, set down and parking spaces (12no).

The proposed development also includes vehicular access provided from an access from the Kilrush Road (R672) and pedestrian entrances are proposed to Kilrush Road and the Dungarvan Bypass (N25), all hard and soft landscaping, boundary treatments, surface water and foul drainage connections to existing network and all associated site and development works at Kilrush, Dungarvan, Co. Waterford.

An Environmental Impact Assessment Screening Report and an Appropriate Assessment Screening have been prepared in respect of the development proposal and accompanies the application.

**Decision:**

**GRANT** permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

**Matters Considered:**

In making its decision, the Coimisiún had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions. In coming to its decision, the Coimisiún had regard to the following:

- (i) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032,
- (ii) Policies and objectives set out in the Waterford City and County Development Plan 2022 – 2028, including the location of the site on lands subject to Zoning Objective New Residential where the objective is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure,
- (iii) Delivering Homes Building Communities 2025 - 2030, issued by the Department of Housing, Local Government and Heritage in November 2025,
- (iv) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (v) The Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025,
- (vi) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (vii) Urban Development and Building Heights, Guidelines for Planning Authorities, 2020,
- (viii) Design Manual for Urban Roads and Streets, 2013, updated 2019,
- (ix) Childcare Facilities, Guidelines for Planning Authorities, 2001,

- (x) Development Management, Guidelines for Planning Authorities, 2007,
- (xi) The availability in the area of a wide range of social and transport infrastructure,
- (xii) To the pattern of existing and permitted development in the area,
- (xiii) Planning Report and supporting technical reports of Waterford City and County Council,
- (xiv) To the submissions and observations received,
- (xv) The grounds of appeal and observations on appeal,
- (xvi) The report and recommendation of the planning inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

#### **Appropriate Assessment (AA):**

An Coimisiún Pleanála completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Reports submitted with the application, the Inspectors' Reports, and submissions on file.

In completing the screening exercise, An Coimisiún Pleanála adopted the reports of the Inspectors and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

#### **Environmental Impact Assessment:**

An Coimisiún Pleanála completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment

Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by Zoning Objective New Residential of the Waterford City and County Development Plan 2022 – 2028 and the results of the Strategic Environmental Assessment of the Waterford City and County Development Plan 2022 – 2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- c) the greenfield nature of the site and its location at the edge of town location at Dungarvan which is served by public services and infrastructure,
- d) the existing use on the site and the pattern of development in the surrounding area,
- e) the planning history related to the wider area of the site,
- f) the absence of any significant environmental sensitivity in the vicinity,
- g) the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations,
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003),
- i) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

It is considered that the proposed development would not be likely to have significant



effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

### **Water Status Impact Assessment Screening**

An Coimisiún Pleanála completed a Water Status Impact Assessment screening exercise with regard being had to the objectives of Article 4 of the Water Framework Directive, taking into account the nature of the proposed development, site and receiving environment, the hydrological and hydrogeological characteristics of proximate waterbodies, the absence of any meaningful pathways to any waterbody, the standard pollution controls and project design features, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Coimisiún adopted the report of the Planning Inspector, and concluded that proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its Water Framework Directive objectives, and that a Water Status Impact Assessment would not, therefore, be required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Coimisiún considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Zoning Objective New Residential and other policies and objectives of the Waterford City and County Development 2022 – 2028, would result in an appropriate density of residential development, would constitute a satisfactory mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious

pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience. Moreover, having regard to the proposed water and surface water proposals, in particular the proposed SUDs measures which will improve the existing surface water drainage on site, the proposed development would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding or impacting on flooding in the immediate vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

|    |   |
|----|---|
| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: in the interest of clarity.</p>   |
| 2. | <p>Prior to the commencement of development on site, the applicant shall submit for the written agreement of the Planning Authority, a revised house design of the proposed site No. 1 to include a single storey/dormer style dwelling of reduced height.</p> <p>Reason: In the interests of residential amenity.</p>  |
| 3. | <p>Mitigation and monitoring measures outlined in the plans and particulars, including Ecological Impact Assessment, Site-Specific Flood Risk Assessment and Construction and Environmental Management Plan submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interests of protecting the environment, public health and clarity.</p>   |
| 4. | <p>Prior to the commencement of development on site, the applicant shall submit for the written agreement of the Planning Authority the final Phasing Plan indicating:</p> <p>(a) The construction of the dwellings permitted herein shall proceed in accordance with the submitted phasing plan and shall ensure that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied.</p> <p>(b) The Spine Road and associated services permitted herein shall be constructed in Phase 1 as per submitted details and when completed to</p> |

|    |   |
|----|---|
|    | <p>an acceptable standard as Part of Phase 1 shall be Taken in Charge by Waterford City and County Council.</p> <p>(c) The creche permitted herein shall be constructed in Phase 3.</p> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>  |
| 5. | <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> |
| 6. |   |

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|     | <p>Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use for new residential areas.</p> |
| 7.  | <p>Details of the materials, colours, and textures of all the external finishes to the proposed development and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: in the interest of visual amenity.</p>  |
| 8.  | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: in order to safeguard the residential amenities of property in the vicinity.</p>  |
| 9.  | <p>(a) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the Soft Landscape Plan (Sheet No 25104_Dungarvan_LP-SLP Revision C).</p> <p>(b) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.</p> <p>Reason: in the interests of amenity and public safety.</p>            |
| 10. | <p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Eireann (Irish Water) to provide for</p>  |

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|     | <p>service connections to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>   |
| 11. | <p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services and in accordance with the plans and particulars lodged. Prior to the commencement of development, and subject to agreement with the Council to carry out such works which may be outside the applicant's control, the applicants shall survey the existing 225mm pipe fronting the site on the R672, to determine the condition of the existing 225mm pipe. Following the survey, if the existing 225 pipe is found to be damaged/collapsed, the applicant shall at their expense, repair the existing 225 mm pipe fronting the site on the R672 and shall agree the parameters of the related rectification works to the 255m pipe with the Planning Authority.</p> <p>Reason: To prevent flooding and in the interest of sustainable drainage.</p> |
| 12. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>  |
| 13. | <p>Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.</p>  |
| 14. | <p>Prior to the commencement of development on site, the following shall be submitted for written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> <li>(a) Raised pedestrian crossing incorporated at the site entrance.</li> <li>(b) All internal junctions to include stop signage and markings.</li> </ul>  |

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|     | <p>(c) Long internal straight spine road through the development shall be redesigned to incorporate horizontal deflection.</p> <p>(d) Statutory speed limit signs at the development entrance.</p> <p>(e) Cul-de-sac ends at all locations shall incorporate adequate turning areas for vehicles including emergency vehicles/refuse truck.</p> <p>(f) Footpaths internally to be 2.0 metres wide.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>  |
| 15  | <p>A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p> |
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| 16  | <p>All links / connections to adjoining lands shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.</p> <p>Reason: In the interest of permeability and safety.</p>   |
|     |  |
| 17  | <p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p>   |
|     | <p>Reason: in the interest of environmental protection residential amenities, public health and safety and environmental protection.</p>   |
| 18. | <p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>  |
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|    | <p>development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>  |
| 19 | <p>(a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.</p> <p>(b) The OWMP shall provide for screened bin stores for the apartment blocks, and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.</p> |
| 20 | <p>Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>   |
| 21 | <p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall</p>  |



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|    | <p>be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>  |
| 22 | <p>Prior to the commencement of development on site that applicant shall submit the following for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> <li>(a) The applicant shall engage the services of a suitably qualified archaeologist to carry out a documentary and fieldwork-based Archaeological Impact Assessment of the proposed development to develop an informed archaeological mitigation strategy to ensure the protection of the archaeological heritage and submit the Archaeological Impact Assessment Report to the Planning Authority.</li> <li>(b) The assessment shall involve documentary and cartographic research, geophysical survey and archaeological testing (licensed under the National Monuments Acts 1930- 2014), fieldwork and an examination of the proposed plans for development. Test trenches shall be excavated at locations specified by the archaeologist within the proposed development area, having consulted the site plans and results of fieldwork and geophysical survey, to determine the presence/absence of archaeological remains.</li> <li>(c) Having completed the work, the archaeologist shall prepare a written report, including an archaeological impact statement, for submission the Planning Authority. Where archaeological material/features are shown to be present, preservation in situ, establishment of sufficient 'buffers' to ensure preservation of archaeological remains, review of development layout and design, preservation by record (excavation) or monitoring, may be required and suggested mitigatory measures shall be outlined in the report.</li> <li>(d) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer. No site preparation and/or construction works</li> </ul> |

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|    | <p>shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.</p> <p>(e) The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works, excavation and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>   |
| 23 | <p>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 provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination</p> <p>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 of the area.</p> |
| 24 | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public</p>  |

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|    | <p>open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>  |
| 25 | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 26 | <p>The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of required improvements to pedestrian infrastructure (constructing a new footpath extending from the eastern development boundary along the R-672 to the existing footpath at the existing Belisha Pedestrian Crossing) and which benefits the proposed development. The amount of the contribution shall be</p>  |

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|  | <p>agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme, and which will benefit the proposed development.</p> |
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Emma Nevin

Planning Inspector

17<sup>th</sup> December 2025

## Appendix A Form 1- EIA Pre-Screening

|  |   |  |                |
|--|---|--|----------------|
| <b>An Bord Pleanála</b>  | ACP-323750-25   |  |                |
| <b>Case Reference</b>  |   |  |                |
| <b>Proposed Development Summary</b>  | Construction of 126 no. residential units, consisting of 102 no. two storey 3 and 4 bedroom terraced / semi-detached houses including Blocks 1 and 2 (1109sqm each) comprising of 2no. 3 storey apartment blocks with 24no. apartments (4no. 1 bedroom and 20 no. 2 bedroom units) with associated parking and creche facility and all ancillary associated site works. |  |                |
| <b>Development Address</b>   | Kilrush, Dungarvan, Co. Waterford   |  |                |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |   | <b>Yes</b>   | X              |
|  |   | <b>No</b>  |                |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |   |  |                |
| <b>Yes</b>   | X   | 10(b)(i) Construction of more than 500 dwelling units. | Proceed to Q3. |
| <b>No</b>  |   |  |                |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>  |   |  |                |
| <b>Yes</b>   |   |  |                |
| <b>No</b>  | X   |  | Proceed to Q4  |

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|  |   | The proposed development does not equal or exceed the 500 unit threshold.                         |   |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b> |   |   |   |
| <b>Yes</b>   | X | Class 10(b)(i) construction of more than 500 dwelling units.<br>The development is for 126 units. | Preliminary examination required (Form 2) |

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| <b>5. Has Schedule 7A information been submitted?</b> |   |   |
| <b>No</b>   |   |   |
| <b>Yes</b>  | X | <b>Ecological Impact Statement Submitted</b><br><b>EIAR required – Form 3</b> |

**Inspector:** \_\_\_\_\_

**Date:** 17th December 2025

## Appendix B – Form 3 – EIA Screening Determination

| <b>A. CASE DETAILS</b>  |                           |   |   |
|---|---------------------------|---|---|
| <b>An Coimisiún Pleanála Case Reference</b>   |                           | ACP-323750-25   |   |
| <b>Development Summary</b>  |                           | The construction 126 no. residential units, consisting of 102 no. two storey 3 and 4 bedroom terraced / semi-detached houses including Blocks 1 and 2 (1109sqm each) comprising of 2no. 3 storey apartment blocks with 24no. apartments (4no. 1 bedroom and 20no. 2 bedroom units) with associated parking and creche facility and all ancillary associated site works. |   |
|   | <b>Yes / No / N/A</b>     | <b>Comment (if relevant)</b>  |   |
| 1. Was a Screening Determination carried out by the PA?   | Yes                       |   |   |
| 2. Has Schedule 7A information been submitted?  | Yes                       | A Screening Report for EIAR has been submitted. This has also been noted in the planner's assessment.   |   |
| 3. Has an AA screening report or NIS been submitted?  | Yes                       | Stage 1 (AA) has been submitted.  |   |
| 4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?   | No                        |   |   |
| 5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | N/A                       |   |   |
| <b>B. EXAMINATION</b>   | <b>Yes/ No/ Uncertain</b> | <b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b><br>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)   | <b>Is this likely to result in significant effects on the environment?</b><br><b>Yes/ No/ Uncertain</b> |

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|  |     | <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.  |    |
| <b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b>   |     |  |    |
| <b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)  |     |  |    |
| <b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?  | No  | The proposal comprises a residential scheme with creche, while the lands to the west comprise agricultural lands, residential dwellings adjoin the site to the north, south and east of the site. The site is also located on the outskirts of Dungarvan town centre.  | No |
| <b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?   | Yes | The proposed development will result in site excavations and the construction of a new development within the existing greenfield site, which is subject to the zoning objective 'New Residential', <i>"to provide for new residential in tandem with the provision of the necessary social and physical infrastructure"</i> , as per the Waterford City and County Development Plan 2022 – 2028, that applies to these lands. | No |
| <b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply? | Yes | Construction materials will be typical for the type of development proposed. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.   | No |
| <b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?  | No  | Some potentially contaminating construction materials. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in Construction  | No |



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|   |     | Management Plan would satisfactorily mitigate the potential impacts.   |    |
| <b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?  | Yes | Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in Construction Management Plan would satisfactorily mitigate the potential impacts. Operational waste would be managed. Other significant operational impacts are not anticipated. | No |
| <b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea? | No  | No significant risks are identified.   | No |
| <b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?   | Yes | There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a Construction Management Plan.   | No |
| <b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?  | Yes | Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures  | No |

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|   |     | within a Construction Management Plan would satisfactorily address potential risks on human health.   |    |
| <b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?   | No  | No risk from the proposed development and the site is not located in vicinity of any major accident sites.  | No |
| <b>1.10</b> Will the project affect the social environment (population, employment)   | Yes | The population in the area will increase and employment would be provided in the creche element of the proposed development. It is anticipated that the development will positively affect the social environment.  | No |
| <b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?   | No  | No significant risks are identified.  | No |
| <b>2. Location of proposed development</b>  |     |   |    |
| <b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>• European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>• NHA/ pNHA</li> <li>• Designated Nature Reserve</li> <li>• Designated refuge for flora or fauna</li> <li>• Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul> | No  | <p>No National or European sites located on or adjacent to the site. The closest Natura 2000 site is Dungarvan Harbour SPA which is 800m from the site.</p> <p>An Appropriate Assessment Screening (Stage 1) was provided in support of the application.</p> <p>Having regard to the nature, scale and location of the proposed works and possible impacts arising from construction works, the qualifying interests and conservation objectives of the European sites and the potential for in-combination effects, the possibility of any significant impacts on any of the identified European sites as a result of the proposed</p> | No |

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|  |     | development, either in itself or in combination with other plans or projects, can be excluded.   |    |
| <b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project? | No  | No European sites located on or adjacent to the site.  | No |
| <b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?   | Yes | A detailed and fieldwork-based Archaeological Impact Assessment Report should be carried out. The report shall also include an archaeological impact statement and recommended mitigation strategy. A prior to the commencement of development condition can be included to ensure sustainable development and the protection of the archaeological heritage.  | No |
| <b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?          | No  | No significant risks are identified.   | No |
| <b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?               | No  | The development will implement SUDS measures to control surface water run-off and reduce surface run off from that of the existing condition on site.<br>The site is not at risk of flooding, as per the Flood Risk Assessment submitted with the application, nor will it result in flooding elsewhere as the proposals reduce the overall discharge from the site and increase the application of SUDs measures on site as part of the proposed works. | No |

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|   |     | Potential impacts arising from the discharge of surface waters to receiving waters are not likely or anticipated. I reference the WFD Impact Assessment Stage 1 Screening report in this regard.   |    |
| <b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?  | No  | No significant risks are identified.   | No |
| <b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project? | Yes | <p>The site adjoins the N25 and the R627, a single entrance is proposed to the R627 to serve the proposed development. Adequate car parking is proposed to serve the development. I also note that the site is within walking distance to the centre of Dungarvan town.</p> <p>A Traffic and Transport Impact Assessment has been submitted<br/>No significant contribution to traffic congestion is anticipated from the subject development.</p> <p>Several conditions are recommended by the Planning Authority, which are reasonable.</p> <p>Notwithstanding, construction traffic may impact on the area, however this will be short term and will be managed via a Construction Management Plan.</p> | No |
| <b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?  | No  | No impact is anticipated in respect to air pollution on the nearest adjoining sensitive land uses.   | No |
| <b>3. Any other factors that should be considered which could lead to environmental impacts</b>   |     |  |    |

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| <b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?  | No                                  | No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan. | No |
| <b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?  | No                                  | No transboundary considerations arise.  | No |
| <b>3.3</b> Are there any other relevant considerations?  | No                                  | No  | No |
| <b>C. CONCLUSION</b>   |                                     |   |    |
| No real likelihood of significant effects on the environment.  | <input checked="" type="checkbox"/> | EIAR Not Required   |    |
| Real likelihood of significant effects on the environment.   | <input type="checkbox"/>            | EIAR Required   |    |
| <b>D. MAIN REASONS AND CONSIDERATIONS</b>  |                                     |   |    |
| <b><i>EG - EIAR <u>not</u> Required</i></b>  |                                     |   |    |
| Having regard to: -  |                                     |   |    |
| <ol style="list-style-type: none"> <li>The criteria set out in Schedule 7, in particular <ol style="list-style-type: none"> <li>the nature and scale of the proposed development, within the existing site context</li> <li>the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone</li> <li>the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)</li> </ol> </li> <li>The results of other relevant assessments of the effects on the environment submitted by the applicant, i.e. An Appropriate Assessment Screening (Stage 1) and an Ecological Impact Assessment Report were provided in support of the application.</li> <li>The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.</li> </ol> |                                     |   |    |

The Coimisiún concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (ADP) \_\_\_\_\_

Date \_\_\_\_\_

## Appendix C – Appropriate Assessment Screening Determination

### Screening for Appropriate Assessment Screening Determination

#### 1: Description of the project

I have considered the Kilrush, Dungarvan LRD in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The development comprises the consisting of a residential development of Construction of 126 no. residential units, consisting of 102 no. two storey 3 and 4 bedroom terraced / semi-detached houses including Blocks 1 and 2 (1109sqm each) comprising of 2no. 3 storey apartment blocks with 24no. apartments (4no. 1 bedroom and 20 no. 2 bedroom units) with associated parking and creche facility and all ancillary associated site works.

In respect to existing surface water, a site feasibility study report concluded that that surface waters at the site naturally infiltrate into the ground, and towards this existing soakaway feature. During periods of heavy rainfall, this feature overflows, discharging into the existing surface water network along the R672. The surface water network outfalls to the stormwater feature / watercourse which outflows into Dungarvan Harbour, which is a SPA – this potential surface water impact on the SPA will be considered during the following screening.

**There are no European sites in the immediate vicinity of the proposed development site. Table 1 of the AA screening report establishes four SACs and three SPAs were identified within a ca 15km radius of the Site.**

| Name  | Site Code | Distance from Site |
|---|-----------|--------------------|
| Glendine Wood SAC                           | [002324]  | 4.2km              |
| Blackwater River<br>(Cork/Waterford)<br>SAC | [002170]  | 5.9km              |
| Helvick Head SAC                            | [000665]  | 7.6km              |
| Comeragh Mountains SAC                      | [001952]  | 9.3km              |
| Dungarvan Harbour SPA                       | [004032]  | 800m               |

|                               |          |       |
|-------------------------------|----------|-------|
| Helvick Head to Ballyquin SPA | [004192] | 7.1km |
| Mid-Waterford Coast SPA       | [004193] | 8.8km |

The closest European site to the proposed development is the Dungarvan Harbour SPA (Site Code: 004032) at a distance of 800m from the proposed site.

An Appropriate Assessment Screening report has been submitted with the application on behalf of the applicant (prepared by Gannon and Associates), and the objective information presented in that report informs this screening determination. The applicant's report is dated June 2025.

The subject site with a stated gross area of 3.65ha., comprises an existing greenfield site, situated at the outskirts of Dungarvan town. The site is vacant.

In relation to hydrology, there are no water bodies present on the proposed development site.

The closest watercourse to the proposed development site, as mapped by the EPA, is the Colligan River situated approximately 850m to the east at its closest point as it enters the Dungarvan Harbour estuary. I note that the Dungarvan Harbort is a high/good status and is not at risk as per the EPA pressures impacting on water quality database. The proposed development site is situated within the Colligan River Sub-Basin (EPA code: Colligan\_040, which is 1.4 km to the northeast of the proposed site).

The report notes two unmapped watercourses, one of which has been referenced in the planner's assessment, namely the 'Fr. Twomey Stream', situated approximately 300m south of the proposed development site at its closest observable point, which flows between the N25 and Fr. Twomey Road, before outflowing to Dungarvan Harbour under the R911 opposite the petrol station. The second watercourse comprising an unnamed stream / stormwater feature situated approximately 300m to the east of the proposed development site at its closest observable point, which flows east adjacent to John Treacy Street, incorporating two small lakes / attenuation areas in Dungarvan Linear Park.

The report also notes that there are no drainage ditches within the proposed development site and no evidence of direct connectivity to any watercourse. However, there is an existing soakaway system within the north of the proposed development site adjacent to the R672.

#### Submissions and Observations



I refer the Coimisiún to Section 8 and Section 9 the main inspectors' report.

## **2. Potential impact mechanisms from the project**

### Zone of Influence

All of the European sites present in the vicinity of the proposed development are shown in Table 1 EUROPEAN SITES WITHIN 15KM OF THE PROPOSED DEVELOPMENT, OR WHERE A SOURCE-PATHWAY-RECEPTOR LINK EXISTS, AND ASSESSMENT OF SIGNIFICANCE and Figure 4 of the AA screening report submitted and the QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Table 1 of the Screening Report.

The sites considered within the Stage 1 Screening and the distances from the development site are summarised below. Given the distance of the development from the identified sites coupled with intervening screening and topography and the lack of clear hydrological connection no direct or indirect impacts are envisaged.

| <b>Name of Site</b> | <b>Site Code</b> | <b>Qualifying Interests</b>                      | <b>Approximate Distance from Site Boundary</b> | <b>Potential Connection</b>   |
|---------------------|------------------|--|--|---|
| Glendine Wood SAC   | (002324)         | [1421] Killarney Fern<br>(Trichomanes speciosum) | 4.2km  | There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development |
| Blackwater River    | (002170)         | [1130] Estuaries<br>[1140] Tidal Mudflats and    | 5.9km  | There is no potential pathway for   |

|                         |  |  |  |   |
|-------------------------|--|--|--|---|
| (Cork/Waterford)<br>SAC |  | Sandflats [1220]<br>Perennial<br>Vegetation of<br>Stony Banks<br>[1310] Salicornia<br>Mud [1330]<br>Atlantic Salt<br>Meadows [1410]<br>Mediterranean<br>Salt Meadows<br>[3260] Floating<br>River Vegetation<br>[91A0] Old Oak<br>Woodlands [91E0]<br>Alluvial Forests*<br>[1029] Freshwater<br>Pearl Mussel<br>(Margaritifera<br>margaritifera)<br>[1092] White-<br>clawed Crayfish<br>(Austropotamobius<br>pallipes) [1095]<br>Sea Lamprey<br>(Petromyzon<br>marinus) [1096]<br>Brook Lamprey<br>(Lampetra planeri)<br>[1099] River<br>Lamprey<br>(Lampetra<br>fluviatilis) [1103]<br>Twaite Shad<br>(Alosa fallax)<br>[1106] Atlantic<br>Salmon (Salmo |  | effects and<br>therefore no<br>potential for<br>significant<br>effects on the<br>SAC as a<br>result of the<br>proposed<br>development |
|-------------------------|--|--|--|---|

|                           |          |   |       |  |
|---------------------------|----------|---|-------|--|
|                           |          | salar) [1355] Otter<br>(Lutra lutra) [1421]<br>Killarney Fern<br>(Trichomanes<br>speciosum)   |       |  |
| Helvick Head<br>SAC       | (000665) | [1230] Vegetated<br>Sea Cliffs<br>[4030] Dry Heath  | 7.6km | There is no<br>potential<br>pathway for<br>effects and<br>therefore no<br>potential for<br>significant<br>effects on the<br>SAC as a<br>result of the<br>proposed<br>development |
| Comeragh<br>Mountains SAC | (001952) | [3110] Oligotrophic<br>Waters containing<br>very few minerals<br>[3260] Floating<br>River Vegetation<br>[4010] Wet Heath<br>[4030] Dry Heath<br>[4060] Alpine and<br>Subalpine Heaths<br>[7130] Blanket<br>Bogs (Active)*<br>[8110] Siliceous<br>Scree<br>[8210] Calcareous<br>Rocky Slopes | 9.3km | There is no<br>potential<br>pathway for<br>effects and<br>therefore no<br>potential for<br>significant<br>effects on the<br>SAC as a<br>result of the<br>proposed<br>development |

|                       |          |  |      |  |
|-----------------------|----------|--|------|--|
|                       |          | <p>[8220] Siliceous Rocky Slopes</p> <p>[1393] Slender Green Feather-moss<br/>(Drepanocladus vernicosus)</p>   |      |  |
| Dungarvan Harbour SPA | (004032) | <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> | 850m | <p>Potential connectivity was identified between the proposed development and the SPA via the existing soakaway feature on-site. However, this only occurs during periods of high rainfall. The surface water network connects to the River Colligan over 1.3km downstream of the proposed development site. The downstream channel distance</p> |

|                                      |                 |   |              |  |
|--------------------------------------|-----------------|---|--------------|--|
|                                      |                 | <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Wetland and Waterbirds [A999]</p> |              | <p>represents a significant dilution factor for any potential pollutants to reach the SPA.</p> <p>Therefore, given the distance and dilution factor, the nature of the works there is no potential for significant effects on the SPA.</p> |
| <p>Helvick Head to Ballyquin SPA</p> | <p>(004192)</p> | <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p>                                       | <p>7.1km</p> | <p>There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development</p>   |
| <p>Mid-Waterford Coast SPA</p>       | <p>(004193)</p> | <p>Cormorant (<i>Phalacrocorax</i></p>  | <p>8.8km</p> | <p>There is no potential</p>   |

|  |  |  |  |   |
|--|--|--|--|---|
|  |  | carbo) [A017]<br>Peregrine (Falco peregrinus) [A103]<br>Herring Gull (Larus argentatus) [A184] Chough (Pyrrhocorax pyrrhocorax) [A346] |  | pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development |
|--|--|--|--|---|

**The likely effects of the proposed development on European sites have been appraised using a source-pathway-receptor model.**

In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)). Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project. I have also visited the site.

Construction Impact

An Outline Construction and Environmental Management Plan (OCEMP) has been prepared by, which details practices that will be followed during the construction phase. These include standard environmental management measures required across all construction sites, i.e. CIRIA (Construction Industry Research and Information Association) guidelines - C532 – Control of Water Pollution from Construction, guidance for Consultants and Contractors.

As per expected construction timeline for the proposed development, the existing soakaway feature is to be removed in the earliest stages of the construction stage, as the future basin area to be installed at this location is to serve as a sediment pond/basin for the construction phase and will be installed as part of the initial site works. As such, the scope for any potential pollutants to enter the surface water network via the existing

soakaway is significantly limited, as this feature will be closed during the initial site works and potential pathway removed for duration of the construction phase.

#### Habitat Impact

The site is not within or directly adjoining any Natura 2000 sites. Dungarvan Harbour SPA (Site Code: 004032) is at a distance of 850m are the closest Natura 2000 sites to the proposed development. There is no 'direct' Source-Pathway linkage between the proposed development site and the SPA. No potential impact is foreseen. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance.

There are no Annex I habitats present within the proposed development site or immediate environs. The proposed development site is a greenfield site located at the edge of Dungarvan town centre. No species of conservation importance or their resting or breeding places were noted.

*Flora* - No protected plant species were recorded within the proposed development site.

*Fauna* - No SCI species were present at the time of field surveys.

No protected and/or rare flora were recorded in the proposed development site. There were no signs or tracks of QI species, of any European sites present onsite.

Notwithstanding, the Dungarvan Harbour SPA is designated for 15 overwintering waterbird species. These species predominantly utilise coastal habitats (e.g., tidal flats, saltmarsh). Some of these species utilise terrestrial habitats for foraging at times during the winter (NPWS, 2011). However, as outlined in the Appropriate Assessment Screening Report, results from extensive winter bird surveys carried out at the proposed development site in winter 2019/20 and winter 2020/21 demonstrate that the proposed development site is not a utilised ex-situ site for SCI species of the SPA (Altamar Ltd., 2021).

The closest recorded ex-situ site is over 700m distant from the proposed development and therefore significantly beyond any zone of sensitivity for disturbance effects. As such, I am satisfied that there is no potential for ex-situ effects on SCI species of the SPA as a result of the proposed development.

#### Water Quality

The closest watercourse to the proposed development site, as mapped by the EPA, is the Colligan River situated approximately 1.3km downstream from the site. It is noted that the downstream channel includes two lakes/attenuation areas in Dungarvan linear park which

represents a significant dilution factor for any potential pollutants to reach the SPA and potentially impact on water quality as it enters the Dungarvan Harbour estuary. The proposed development site is situated within the Colligan River Sub-Basin (EPA code: Colligan\_040). There is an approximate distance of 1.3km before the Colligan River reaches the Dungarvan Harbour SPA.

There are no drainage ditches within the proposed development site and no evidence of direct connectivity to any watercourse. Having regard to the channel distance from the connection point with the River Colligan and the nearest SPA, I note that this distance provides a significant dilution factor for any potential pollutant to reach the SPA. As such, the hydrological pathway to the designated site is deemed to be negligible.

In terms of operational impact, SuDS measures will be used in the engineering and landscaping design. It is proposed that surface water from the development will be collected via a new stormwater drainage network with an ultimate overflow to the existing public network along the R672, which will travel to the River Colligan. There is no connectivity to the surface water network under normal conditions and as noted above given the distance between the site and the SPA, there is no potential for significant effects on the SPA as a result of the development.

The proposed developments wastewater will be discharged to the Uisce Eireann 225mm diameter foul sewer along the R672 Road to the north of the subject site via the proposed foul water network within the residential development. I also note that the Public foul drainage system has a Green – ‘Space Capacity Available’ rating.

As such there is a weak hydrological link between the proposed site and the nearest SPA and SAC. I also consider that the potential for foul waters to reach the nearest European Site to be negligible.

All construction associated with the development will take place within this site. Potential sources of impacts during construction and operation will be considered in the CSM and all potential sources of contamination are considered without taking account of any measures intended to avoid or reduce harmful effects of the proposed development (mitigation measures) i.e., a worst-case scenario.

In the regard, surface run-off from the proposed development, during both construction and operational phases respectively, will not result in any perceptible impact on water quality.

#### Conclusion on the extent of the Zone of Influence



The development is for a residential scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not considered likely that the proposed development will interfere with any of the key relationships of any Natura 2000 site. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site. It is considered that there will be no long-term residual impacts from the proposed works upon the key relationships that define any Natura 2000 sites.

### **3. European Sites at risk**

I am satisfied that no risks to the conservation objectives of the Dungarvan Harbour SPA (Site Code: 004032) or any Natura 2000 sites are considered likely due one or more of the following:

- Lack of direct connectivity between the proposed works areas and the designated areas. There will be no loss of habitat within any Natura 2000 site as a result of the proposed works. It is not anticipated that the loss of any species of conservation interest will occur as a result of the proposed works due to injury or mortality.
- Significant buffer between the proposed works area and the designated. No significant risk of disruption to any Natura 2000 sites are likely during this project.
- No habitat fragmentation to any Natura 2000 site is predicted.
- There will be no additional emissions of water from the site. Wastewater will be to existing mains.
- No emissions are predicted that will impact upon any Natura 2000 site.

Based on a consideration of the likely impacts arising from the proposed works and a review of their significance in terms of the conservation interests and objectives of the Natura 2000 Sites screened, no significant impacts have been identified on the Natura 2000 sites as a result of the proposed development.

I refer the Coimisiún to Table 1. Summary of EUROPEAN SITES WITHIN 15KM OF THE PROPOSED DEVELOPMENT, OR WHERE A SOURCE-PATHWAY-RECEPTOR LINK EXISTS, AND ASSESSMENT OF SIGNIFICANCE of the AA screening report. I agree with the conclusion presented therein.

### **4. Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

In combination or Cumulative Effects

The applicant's Appropriate Assessment Screening Report has considered in-combination effects in respect to permitted/on-going developments in the vicinity of the proposed development as follows:

- Planning ref. no. 2560316 - Change of use of storage yard area to horticultural/garden center use including the retention of 4 no. existing polytunnels forming horticultural/garden center.
- Planning ref. no. 20866 - The provision of a single storey drive-thru restaurant (400sqm) including sale of hot food for consumption of hot food both on and off the premises incorporating an enclosed service yard/delivery area (94sqm).
- Planning ref. no. 2360555 - Construction of 1 - 2 storey anchor convenience and comparison retail store.
- Planning ref. no. 2343 - Extension to existing commercial building for commercial trade and storage purposes and all ancillary site works and services.
- Planning ref. no. 23230 - Extension of Duration of Planning File 18/629 for construction of a two storey office building and associated site works.
- Planning ref. no. 17319 - Development of a two storey service station retail/services building.

The AA screening report noted that the projects referenced include standard measures to protect watercourses during the construction phase where relevant. Based on this, and the rationale as detailed in Table 1, it is considered that there is no potential for the proposed development to act in-combination with other developments in the vicinity that may cause likely significant effects to any European sites.

It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Dungarvan Harbour SPA [Site Code: 004032]) or any European site, in view of the sites' conservation objectives.

### **Overall Conclusion- Screening Determination**

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 Planning and Development Act 2000] is not required.

**There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.**

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- Surface run-off from the proposed development, during both construction and operational phases respectively, will not result in any perceptible impact on water quality in receiving waters. Surface water discharge points used during the construction phase shall be agreed with the Local Authority prior to commencing works on site.
- Should an accidental pollution event during construction has the potential to affect groundwater quality locally. Whilst this is a possibility, this would be very localised and would not result in the degradation of existing groundwater conditions. Furthermore, there are no groundwater dependent habitats or species associated with the European sites in the vicinity of the site.
- Foul waters will discharge to the existing network and will travel to Dungarvan Wastewater Treatment Plant (WWTP) treatment Plant for treatment prior to discharge; the Dungarvan WWTP is required to operate under EPA licence and meet environmental standards. As per Uisce Eireann website (reviewed 24/11/2025) there is spare capacity available.
- No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites.
- No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## Appendix D: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

### Step 1: Nature of the Project, the Site and Locality

|   |               |   |                                   |
|---|---------------|---|-----------------------------------|
| <b>An Coimisiún Pleanála ref. no.</b>                     | ACP-323750-25 | <b>Townland, address</b>  | Kilrush, Dungarvan, Co. Waterford |
| <b>Description of project</b>                             |               | Construction of 126 residential units, consisting of 102 no. two storey 3 and 4 bedroom terraced / semi-detached houses including Blocks 1 and 2 (1109sqm each) comprising of 2no. 3 storey apartment blocks with 24no. apartments (4no. 1 bedroom and 20no. 2 bedroom units) with associated parking and creche facility and all ancillary associated site works   |                                   |
| <b>Brief site description, relevant to WFD Screening,</b> |               | <p>Site is cleared of all structures and is greenfield in nature and presently in agricultural use located on the edge of the local town. Site levels rise upwards in a gradual manner from the public road in a southerly direction before descending towards the south-western boundary. The site is bounded by agricultural land to the north and west, and by residential dwellings and established housing estates to the north, east and south.</p> <p>There are no drainage channels or watercourses within the boundary of the site. There is no flowing or standing water within or adjacent to the site and therefore there is no hydrological connection with any European Site.</p> <p>A site-specific flood risk assessment has been carried out by DBFL Consulting Engineers. The FRA</p> |                                   |

|  |   |
|--|---|
|  | <p>highlights the fact that the site has not been subject to flooding in the past, however there are identified and recurring flood events along the R672 to the north of the site. In the internal referral response from Roads (26/08/2025), it is highlighted that there have been severe flood events at the Spring roundabout and Fr Twomey's Road in the vicinity of the site to the south schools further to the east. A residential housing estate to the west and sports grounds to the north</p>  |
| <b>Proposed surface water details</b>                        | <p>Surface water run-off in the proposal will be collected, attenuated on-site, and discharged by gravity</p> <p>to the public network. Proposals include (i) permeable paving, (ii) 3 no above ground infiltration basins within amenity spaces and (iii) at the final connection point to the existing surface water sewer along the R672, a flow control device, (such as a hydro-brake or vortex flow limiter) will be installed to cap the discharge rate.</p> <p>Capacity issues have been identified by the Roads Section of the Planning Authority in respect to the capacity of the existing network to cater for existing stormwater flows and the impact of the proposed development on the catchment has not been addressed. However, this relates to overflow and flooding in the network.</p> |
| <b>Proposed water supply source &amp; available capacity</b> | <p>Uisce Eireann mains water connection. Uisce Eireann has provided Confirmation of Feasibility. Public Water Supply and which has an green status – 'Capacity Available' rating.</p>   |

|   |                                      |                                  |   |   |  |   |
|---|--------------------------------------|----------------------------------|---|---|--|---|
| <b>Proposed wastewater treatment system &amp; available capacity, other issues</b>  |                                      |                                  | Uisce Eireann Wastewater connection. Wastewater will be collected and discharged by gravity to the public network for treatment. Uisce Eireann has provided Confirmation of Feasibility. Public foul drainage system and which has a Green rating – ‘Spare Capacity Available’. |   |  |   |
| <b>Others?</b>  |                                      |                                  | N/A   |   |  |   |
| <b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b> |                                      |                                  |   |   |  |   |
| <b>Identified water body</b>  | <b>Distance to (m)</b>               | <b>Water body name(s) (code)</b> | <b>WFD Status</b>   | <b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b> | <b>Identified pressures on that water body</b> | <b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b> |
| Transitional waterbody  | 1.4km - To the northwest of the site | Colligan_040 (IE_SE_17C0103 00)  | Good  | Not at risk   | Urban waste water                              | Surface water run off and wastewater  |

|  |                                  |                                       |                               |  |  |  |   |
|--|----------------------------------|---------------------------------------|-------------------------------|--|--|--|---|
| Groundwater body   |                                  | Underlying site                       | Dungarvan<br>(IE_SE_G_052)    | Good   | Not at Risk  | Surface water<br>drainage in<br>storm events | Drainage to groundwater   |
| Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage. |                                  |                                       |                               |  |  |  |   |
| CONSTRUCTION PHASE   |                                  |                                       |                               |  |  |  |   |
| No.  | Component                        | Water body<br>receptor<br>(EPA Code)  | Pathway (existing<br>and new) | Potential for<br>impact/ what is<br>the possible<br>impact                                 | Screening<br>Stage<br>Mitigation<br>Measure*               | Residual Risk<br>(yes/no)<br><br>Detail      | Determination** to<br>proceed to Stage 2. Is<br>there a risk to the water<br>environment? (if<br>'screened' in or<br>'uncertain' proceed to<br>Stage 2. |
| 1.   | Site clearance<br>& Construction | Colligan_040<br>(IE_SE_17C<br>010300) | None                          | Water Pollution -<br><br>Deterioration of<br>surface water<br>quality from<br>pollution of | Use of<br>Standard<br>Construction<br>Practice and<br>CEMP | No   | Screen out at this stage.   |

|                              |                                  |                                       |                                    |  |   |    |                            |
|------------------------------|----------------------------------|---------------------------------------|------------------------------------|--|---|----|----------------------------|
|                              |                                  |                                       |                                    | surface water<br>run-off during site<br>construction                                 |   |    |                            |
| 2.                           | Site clearance<br>& Construction | Dungarvan<br>(IE_SE_G_0<br>52)        | Drainage through<br>soil / bedrock | Reduction in<br>groundwater<br>quality from<br>pollution of surface<br>water run-off | Use of<br>Standard<br>Construction<br>Practice and<br>CEMP      | No | Screen out at this stage.  |
| <b>OPERATIONAL PHASE</b>     |                                  |                                       |                                    |  |   |    |                            |
| 1.                           | Surface Water<br>Run-off         | Colligan_040<br>(IE_SE_17C<br>010300) | None                               | None   | Several<br>SuDS<br>features<br>incorporated<br>into<br>proposal | No | Screen out at this stage.  |
| 2.                           | Surface Water<br>Run-off         | Dungarvan<br>(IE_SE_G_0<br>52)        | Drainage through soil/<br>bedrock  | Reduction in<br>groundwater<br>quality   | SUDS and<br>greenfield<br>discharge<br>rates                    | No | Screened out at this stage |
| <b>DECOMMISSIONING PHASE</b> |                                  |                                       |                                    |  |   |    |                            |



|    |     |     |     |     |     |     |     |
|----|-----|-----|-----|-----|-----|-----|-----|
| 1. | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
|----|-----|-----|-----|-----|-----|-----|-----|