



An
Coimisiún
Pleanála

Inspector's Report

PL-500094-WD

Development	Construction of single storey house and waste water treatment system
Location	Knockenpower Upper, Ring, Dungarvan, Co Waterford
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	2560296
Applicant(s)	Patrick Lehane
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Donal & Kerrie O'Mhurchadha.
Observer(s)	None.
Date of Site Inspection	1 st December 2025.
Inspector	Ann Bogan

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision.....	4
4.0 Planning History.....	5
5.0 Policy Context.....	6
6.0 EIA Screening.....	9
7.0 The Appeal	10
8.0 Assessment.....	13
9.0 AA Screening.....	20
10.0 Water Framework Directive.....	20
11.0 Recommendation	21
12.0 Reasons and Considerations	21

Appendix 1 –EIA Screening

Appendix 2 AA Screening

1.0 Site Location and Description

- 1.1. The site is located in an elevated rural area on the peninsula of land leading out to Helvic Head in County Waterford, and is approximately 10km from Dungarvan. The site is 670m from the coastline to the south-east and 1.17km from the coastline to the north and has sea views to the north/north-east and south east. It is approximately 1.3km south of the village of An Rinn and 1.5km from the linked village of Baile Na nGall.
- 1.2. The site fronts onto the L6112 Local Secondary Road, which slopes gradually upwards from east to west, once it passes the site. The site is rectangular in shape, approximately 0.39ha in area and slopes upwards from east to west, particularly to the rear and stated to be in the ownership of the applicant's father. The roadside boundary is formed by a low hedge, the eastern boundary by a post and wire fence, the rear boundary is undefined and the western side bounds a laneway/track. The track gives access to land at a higher level and to the rear of the adjacent houses, and the total landholding, including the subject site, is approximately 1.84ha. The land appears not to be in active use for agriculture at present and much of the higher ground is overgrown with gorse bushes and natural vegetation. A disused shed, laid out in 6 stables, is located in the south-west corner of the landholding, with household and other waste deposited in the area around it.
- 1.3. There is an existing single storey dwelling (the appellants) to the west of the site, beyond the laneway. This house is at a higher level than the subject site, due to rising ground levels. A small field adjoins the neighbouring house and further to the west as far as the nearby crossroads, are four additional dwellings, with two further dwellings on the southern arm of the cross roads, extending the group of houses.
- 1.4. The houses to the west are all a higher level than the subject site. A field adjoins the site to the east and beyond that there are a further three dwellings, separated from the site by a 90m road frontage. There are no houses on the northern side of this stretch of road. Other groups of single houses are present in the wider area.

2.0 Proposed Development

- 2.1. Proposed development consists of construction of:
 - Single storey, 197sqm, 4 bedroom dwelling

- Wastewater treatment system
- Vehicular entrance
- Application is accompanied by information to support local rural housing need; Site Assessment Report, solicitor's letter re land ownership and letter from Uisce Eireann confirming feasibility of water connection
- Further information received resulted in some amendments to proposal:
 - Site layout plan revised to relocate house further south to match existing building line
 - Site profile changed to accommodate dwelling relocation, requiring reduction in ground levels, as site slopes uphill to south/rear.
 - Roof redesign altered to reduce height

3.0 Planning Authority Decision

3.1. Decision

Planning authority decided to grant permission on 26/09/2025 subject to 8 largely standard conditions including those relating to surface water disposal, wastewater treatment system, boundary treatment, and development contribution.

Condition 2: dwelling to be first occupied by applicant as permanent residence for at least 7 years

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Officer in report of 13th June 2025 accepts that applicant is from An Gaeltacht, has strong ties with local community and has demonstrated local and social need to live in the area and states: "On the basis of information received I am satisfied that the applicant has demonstrated compliance with Policy Objective H35 with particular reference to points 1 & 3 of same".
- Notes the proposed development would give rise to ribbon development but considers that extenuating circumstances apply having regards to his rural

housing need and “is satisfied that special consideration can be given to the proposed development in this instance as provided for under Policy H29”.

- Further information was requested relating to clarification of land ownership, submission referring to two springs not referenced in site assessment report, infilling of site, setting back proposed dwelling in line with established building line and revision of ridge height to lessen visual impact
- AA screening conclusion that no appropriate assessment issues arise in this case and proposed development would not be likely to have a significant effect in a Natura 2000 site.
- Planning report of 22/09/2025: Further information in relation to ownership, revised site assessment report and infilling of site were considered acceptable. Revised design and layout considered acceptable. Grant of permission recommended, subject to conditions.

3.2.2. Other Technical Reports

- None on file

3.3. Prescribed Bodies

- None on file

3.4. Third Party Observations

Two submissions were made on the application:

- Submission made by the appellant, which raised issues similar to those raised in the appeal
- Submission from Cathaorleach CLG na Rinne: stating applicant is a former player and current valuable member of CLG na Rinne, especially as a coach.

4.0 Planning History

- **24/60373** Patrick Lehané. Construction of dwelling, waste water treatment system and entrance. **Withdrawn** following submission of FI. Design as amended by FI is the same as that for current application, apart from omission of garage in current application.

- **0830 / PL.24.228646** Sean Lehane. Demolish existing dwelling and construct house, entrance, driveway, borewell and wastewater treatment system. Refused by PA for 2 reasons: Would constitute suburban type ribbon development along an already over developed stretch of road contrary to protection of rural environment; and absence of substantiated rural housing need for house in this location. **Refused** on appeal for one reason: would reinforce pattern of undesirable ribbon development in rural area, outside zoned lands, detract from character of area and lead to demands for uneconomic provision of services.
- **05/1506** Denis Lehane. Demolition of derelict dwelling, construct house, entrance, wastewater treatment system. **Refused** by PA for similar reasons as 0830 above
- **82/332** P. Nevin **granted** permission for bungalow

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2025 (the Development Plan)

Site is located within a rural area 'Area Under Strong Urban Influence' in the rural housing policy of the Development Plan

2.10.1 Rural Area under Strong Urban Influence

The key Development Plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned and designated for housing in the adjoining villages and rural settlement nodes. We will manage sustainable growth in 'Rural Areas under Urban Influence' and facilitate the provision of single houses in the countryside based on the core considerations of economic, social or local need to live in a rural area, siting and design criteria for rural housing, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements in a manner consistent with NPO 19 of the NPF.

Settlement Hierarchy

An Gaeltacht na nDeise (inc. Sean Phobal) is designated as a 'Rural Town' in the Settlement Hierarchy set out in Table 2.2 of the Development Plan. Table 2.3 of the Development Plan allocates of 3.97ha of land for development in Phase 1 and 3.38ha of land in Phase 2 and residential land is zoned accordingly in the settlements on the northern side of the peninsula and in Sean Phobal.

Policy H28 Rural housing

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

Housing Need

Persons with an economic need to live in the particular rural area would include those whose employment is intrinsically linked to the rural area in which they wish to build (e.g. farming, horticulture, forestry, bloodstock, fishing or other similar rural employment) and who require a dwelling to meet their own housing needs close to their place of work.

Persons with a demonstrable social need to live a particular local rural area would include those that have lived a substantial period of their lives (7 years or more) in the local rural area and who require a dwelling to meet their own housing needs close to their families and to the communities of which they are part. A local area for the purpose of this policy is defined as an area generally within a 10km radius of the applicant's former place of residence. This rural housing policy will apply equally to those living in the local area, who require a new dwelling to meet their own housing need, as well as returning emigrants wishing to establish a permanent residence for themselves and their families in their local community.

Policy Objective H29 Ribbon Development

We will avoid the creation of ribbon development (defined as five or more houses existing on any one side of a given 250 metres of road frontage) and will assess whether a given proposal will contribute to and/ or exacerbate such ribbon development, having regard to the following:

- (i) The type of rural area and circumstances of the applicant.
- (ii) The degree to which the proposal might be considered infill development.
- (iii) The degree to which existing ribbon development would coalesce as a result of the proposed development.
- (iv) Local circumstances, including the planning history of the area and development pressures.

Policy H35 – Housing in Gaeltacht na nDeise Policy Objectives:

When considering proposals for development of a single house within Gaeltacht na nDéise as defined in the Development Plan maps, we will require all of the following:

- A sequential approach to site identification has been applied and that a more suitable property is not available having regard in particular to availability of existing housing stock and the level of vacancy.
- That the proposed development by way of its layout, siting and design will not adversely impact on the character of the area and that the development is consistent with best practice design principles for housing in rural locations;
- Evidence of a demonstrable economic, social or local need to live in the area, or consent to the attachment of an occupancy condition and a Language Enurement Clause (LEC) for a duration of 15 years from the date of first occupancy of the dwelling.
- All applicable development management standards are complied with.

Chapter 10 Landscape Coast/Marine and Green Blue Infrastructure

Strategic Objective: Protect our sensitive landscapes and seascapes which contribute to the distinctiveness of Waterford as a place.

Landscape Policy Objective L 02 Protecting our Landscape and Seascape

We will protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape character units.”

The site has a 'Low Sensitive' Scenic Classification, but immediately adjoins the edge of the coastal corridor defined as 'Most Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment as per WCCC Development Plan 2022 – 2028.

Most Sensitive: Very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended

Low Sensitive: A common character type with a potential to absorb a wide range of new development.

5.2. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

Sustainable Rural Housing Guidelines

The subject site is located within an 'Area under Strong Urban Influence' as defined in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that in these areas the objective should be on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions, while on the other hand directing urban generated development to areas zoned for new housing development in cities, town and villages in the area of the development plan. Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities 2005 outlines the definition of Ribbon Development and recommendations to counter its impact.

5.3. Natural Heritage Designations

- The site is 0.33km North West of the Helvick Head SAC Special Area of Conservation (Site Code: 000665)
- The site is 0.09km North West of the Helvick Head to Ballyquin SPA Special Protection Area (Site Code: 004192)

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed

development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Appeal submitted by occupants of existing house to west of site.

7.2. Grounds of Appeal

- Proposed development of concern in terms of amenity of area and sustainability of the proposal
- Proposal is unsympathetic to landscape of area, forms part of Most Sensitive Zone of the Landscape and Seascape Character Assessment Map of Waterford City and County Development Plan 2022-2028
- Locale of site is an extremely sensitive scenic landscape, classified in previous Development Plan as visually vulnerable
- Design is poorly considered and is a very imposing mass pushed to most vulnerable boundary of site
- Concern that location of dwelling on the site may be so that garage structure proposed in withdrawn application 26/60373 would be developed here in due course
- Concern that building height of 5.290m on more vulnerable site is taller than existing nearby dwellings, two of which have been excavated into the landscape
- Concern re variances between site levels in various planning applications on the site, concludes site level has increased in intervening years.
- Notes site works including removal of fences, trees and demolition of existing structure; queries whether unauthorised development carried out
- Considers proposed development is contrary to Objective H29 of Development Plan relating to ribbon development, and the precedence it would create

- Notes two springs within 100m of site, while Site Assessment Report states no springs within 250m; also notes no drainage ditch in site and that front boundary acts as drainage ditch for the springs when active
- Given design changes, believes impact on ground water needs to be considered.
- In context of Objective H30 of Development Plan notes applicant is not the existing landowner and that ownership is not registered, queries whether sufficient legal interest exists to apply for planning permission
- Despite previous applications refused on the site (PD05/1506 and PD08/30 and appeal PI.24.228646) repeated applications are submitted in speculative fashion
- Refers to submission on previous application stating applicant's father has extensive development history within An Rinn, developing 22 properties under 2 permissions, concluding application on these lands is also speculative
- Applicant previously obtained permission for dwelling in Baile Na nGall (PD07225, extended under 12/12226) but did not develop it and site was disposed of with a permission valid until 2017
- Applicants father has attended meetings with appellant and planning authority, rather than applicant
- Refers to Objective H35 of Development Plan relating to proposals for single houses in Gaeltacht na nDeise points out serviced sites are within 500m of site, design is unsympathetic and would set precedent for development of other nearby infill sites
- Gaeltacht area under extreme urban pressure, some houses granted and developed and then sold on the private market or for short-term letting, despite language and occupancy conditions attached
- Note absence of Language Enurement Clause for 15 years attached to decision to grant, as provided for in Development Plan, which further facilitates disposal of property in Gaeltacht area
- Understand challenges in sourcing property in An Gaeltacht but believe there are sustainable alternatives that preserve culture and natural beauty of area.

7.3. Applicant Response

Response by agent on behalf of applicant:

- Re concerns about ridge height of proposed house, revised house design submitted under further information is 4.067m, not 5.290m as stated in appeal and is 5.386m lower than appellants house and other neighbouring houses referred to.
- Re contention that ground levels in 2005 are different than current application, GPS survey was carried out for application based on GPS mOD datum used today, not available in 2005, suggests previous levels were incorrectly logged in 2005 by 1.117m
- Re development works on site, applicant clarified under FI that ruin on site was demolished and area filled in with excess top soil when horse complex in south-west was constructed, to match level of surrounding field, but field levels not altered
- Re concerns re ribbon development, circumstances of applicant also have to be considered; this is only site available to applicant and is only land in family ownership
- Applicant is from area as appellants know
- WCCC decided there was merit in client's case and development is appropriate in this location
- Site Suitability Assessment was updated under FI to refer to springs 129m uphill from site; as springs are 129m from treatment area, proposal is in full compliance with EPA COP 2021
- Re landownership concerns, applicant has provided documentation from their solicitor that applicants father is the beneficial owner of site
- Application is made solely by applicant, not by the 'father and son' as suggested by appellant. Father's only interest that it is his land and he wants his son to have opportunity to build house in his native area
- Supplementary form submitted with application is private, but confirms documentation submitted includes evidence applicant attended local school, played GAA on local team, and demonstrated his local housing need

7.4. **Planning Authority Response**

- None

7.5. **Observations**

- None

7.6. **Further Responses**

- None

8.0 **Assessment**

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

- Rural housing need
- Ribbon Development
- Landscape impact, siting and design
- Wastewater Treatment System

8.2. **Rural Housing Need**

- 8.2.1. The site is within an 'Area Under Strong Urban Influence' as defined under the rural housing policies of the of Waterford City and County Development Plan 2022-2028 and is also located in Gaeltacht na nDéise, a scenic area which is under significant pressure for development of single houses in the countryside. The Development Plan settlement strategy in areas under strong urban influence aims: "on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned and designated for housing in the adjoining villages and rural settlement nodes".
- 8.2.2. The applicant must therefore demonstrate a housing need which complies with the relevant rural housing policies, in particular Development Plan Policy Objective H35,

which applies to proposals to build a single house in the Gaeltacht area, as well as complying with the Sustainable Rural Housing Guidelines 2005.

8.2.3. The key elements of Objective H35 are:

- That a more suitable property is not available having regard in particular to availability of existing housing stock and the level of vacancy.
- Layout, siting and design will not adversely impact on the character of the area best practice design principles for housing in rural locations;
- Evidence of a demonstrable economic, social or local need to live in the area, or attachment of occupancy clause and Language enurement clause of 15 years
- All applicable development management standards are complied with.

8.2.4. Documentation on file indicates that the applicant was born in Ring and grew up and attended primary school there and played football for the local club. His family home, where he currently resides is in Ring, approximately 1.7km from the site and he previously lived in rental accommodation in Dungarvan until it was recently sold. He works in Dungarvan as a milk lorry driver. He now wishes to build a first home for permanent occupation on land stated to be owned by his father, Denis Lehane, and also wishes to live close to his parents to provide support /care.

8.2.5. The boundaries of the settlements on the northern side of the peninsula are not clearly defined, and development has occurred in a somewhat haphazard fashion over time with for example An Rinn coalescing with the nearby settlement of Baile na nGall. For zoning purposes, three small settlements are defined. The applicant's family home in Ring, although adjacent to the zoned area, is not located within the areas zoned for existing or new residential etc development on the Zoning Maps in the Development Plan, and as such it appears to be categorized as in an unzoned rural area.

8.2.6. The planning authority noted that the site and a limited holding adjoining it, is not registered in his father's name. However, having regard to the planning history of the site which suggests Mr Lehane's interest in the land dates back to at least 2008, the planning authority accepted the case made in a letter from his solicitor which states the land is in his beneficial ownership and is in the process of being registered. The absence of a registered title is not ideal, however, based on the available information

I accept it is likely that the applicant's father has held an interest in the land for some time and note that no other party has emerged through planning history since 2005 claiming ownership of the land. The question of determining title goes beyond the remit of the Commission and I note Section 37(13) of the Planning and Development Act 2000 as amended, which states "a person shall not be entitled solely by reason of a permission under this section to carry out any development".

- 8.2.7. The applicant acknowledges that he previously received a grant of planning permission for a dwelling under 07/225, which is within the zoned settlement area of Baile nan Gall, but due to the economic circumstances at the time he was unable to build the dwelling. The site was eventually disposed of and now forms part of a neighbour's garden. He is therefore still seeking a first home. He states he has tried to buy a house in Ring over the last few years but any house that has come up has been beyond his budget. Ring is an area of high demand for housing, reflecting its attractive setting and proximity to Dungarvan. I note there are some areas of land zoned for housing development in the Development Plan in the area, at least one of which has an outline permission, but none appear to be under active development at present. Information is not available on other serviced sites that may be available within the settlements, as suggested by the appellant.
- 8.2.8. Based on the information available I accept that the applicant has demonstrated a social/local need to live in the Ring area (although not necessarily on this specific site) and that the availability of housing stock in the area is quite limited at present and as such he appears to satisfy items 1 and 3 of Policy Objective H35. I note that if permission were to be granted, a 7 year occupancy condition by the applicant would be required, but that a Language Enurement Clause for 15 years would not be mandated under the terms of Objective H35. Other issues relating to the suitability of the proposed site and design are considered below.

8.3. **Ribbon Development**

- 8.3.1. Development Plan Objective H29 aims to avoid creating ribbon development in rural areas and seeks to assess proposals as to whether they contribute or exacerbate ribbon development. In this case there are already at least 5 houses within 250m west of the site, with two others immediately adjoining this group on the northern arm of the road junction, and development of the proposed site would therefore give rise to ribbon development as defined in the Sustainable Rural Housing Guidelines 2005 and the Development Plan. It could also create a precedent for development of an

infill site beyond the nearest house to the west, and potential for development sites on the 90m length of road frontage to the east, potentially resulting in a continuous line of up to 12 houses. It can be concluded therefore, that permitting the proposed development would contribute to and exacerbate ribbon development in this elevated rural area.

- 8.3.2. Objective H29 of the Development Plan in seeking to avoid ribbon development, states that in assessing ribbon development, regard will be had to:
- i The type of rural area and circumstances of the applicant;
 - ii The degree to which the proposal might be considered infill development;
 - iii The degree to which existing ribbon development would coalesce as a result of the proposed development;
 - iv Local circumstances, including the planning history of the area and development pressures.
- 8.3.3. The planning authority, in reference to Objective H29(i) the ‘circumstances of the applicant’, considered that extenuating circumstances apply in the case having regard to the applicants rural housing need, the fact that he grew up in the area, the proximity of his family home and is the son of the landowner and concluded “special consideration can be given to the proposed development in this instance”. However, while in this case the applicant can establish a social and local need to live in the local rural area, and his family live locally, in my view establishing a social need to live in a rural area is not on it own, sufficient justification to permit further ribbon development in this rural area, which is already under considerable pressure for further housing development.
- 8.3.4. Furthermore, while having regard to the planning authority’s conclusion, I note Objective H29 (i) also includes the requirement to also take account of the type of area, alongside the circumstances of the applicant. In this case, the rural area is classified as being “under strong urban influence”, where there are considerable pressures for development and greater need to protect the character of the rural area. As noted above the proposal would create a ribbon of development on a rural road and could lead to further expansion or coalescence of the pattern of ribbon development in the area, contrary to the core aim of Objective 29.

- 8.3.5. The envisaged horse breeding enterprise on the family owned land might also be considered as a relevant 'circumstance of the applicant'. The applicant states that he has been breeding horses at the land for the last 15 years, and reclaimed the land with his father in 2015, although he confirms the enterprise is not in operation at present. Based on the site inspection it appears that the land has not been used for farming for many years and much of it is overgrown with gorse bushes and other natural vegetation. The stables building and its environs have been used for depositing for household and other waste, and the timber fencing has largely collapsed.
- 8.3.6. The applicant states his intention to restart the horse breeding enterprise, part-time initially and possibly full-time if it goes well, and that he would need to live close by for animal welfare and security reasons. I note the horse breeding enterprise operated previously without on-site residency, and the size (1.45ha) and composition of the remaining land-holding would be unlikely to be sufficient to be a full-time occupation. I am not convinced that possible future use of the land for horse breeding or other farming activity represents a justification for permitting the dwelling in this location, in contravention of the objective of avoiding ribbon development.
- 8.3.7. I note the proposal does not constitute infill development as referenced in Objective 29 (ii) of the objective. Considering Objective 29 (iii), as outlined in Section 8.3.1, permitting the proposed development would expand a pattern of ribbon development and result in potential coalescing of further ribbon development in future.
- 8.3.8. Objective 29(iv) refers to the need to consider planning history and development pressures. It is clear that there are ongoing pressures for development of single houses in the countryside around Ring. Planning history on this site is of refusal of permission for applications for a single house (Ref 0830/appeal ref. PL.24.228646, and 051506). I note that PL24.228646 was refused by the Board on appeal for the reason, in summary, that it would reinforce a pattern of undesirable ribbon development in the rural area, constitute an excessive density of suburban type development in the area, was outside zoned lands, which would detract from character of area and lead to demands for uneconomic provision of services.
- 8.3.9. In conclusion, while the applicant has established a social need to live in the local rural area, having considered the criteria set out in Objective 35, I am not satisfied that meeting social need requirements would justify the granting of permission on the proposed site, as it would result in expansion of suburban type ribbon development

in a rural area, which is out of character with this area, and could create a precedent for further similar development in the area. Although it is some time since the Board previously refused permission on the site for a dwelling (PL.24.228646), it is not apparent that there has been a significant change in circumstances in this instance, which would justify a reversal of the previous reason for refusal by the Commission.

8.4. Landscape impact, siting and design

- 8.4.1. The site is within a 'Low Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment in the Development Plan. However, it immediately adjoins a wide corridor running along the coast designated 'Most Sensitive' in the Scenic Classification. The boundaries of the character areas are drawn in quite a 'broad brush' way and it is important to consider how a development on this site which is in a relatively elevated position on the peninsula, might impact the adjacent coastal corridor defined as 'Most Sensitive'.
- 8.4.2. The proposed dwelling was initially shown as sited 29m back from the public road. Following a further information request indicating a preference for it to be in line with the established building line of existing houses to the west, it was repositioned to be 47m from the public road, which includes a lowering of the ground levels towards the south-west corner of the site and setting the building into the slope. The roof profile has also been changed so that the apex has been reduced from 5.290 to 4.067m. There is I believe, an argument for bringing the house forward somewhat (circa 5m) from the revised position, to lessen the need to cut into the slope. In that context, I note the proposed finished floor level of proposed dwelling is estimated to be 5m below that of the neighbouring house, which is on higher ground and is some 40m away and well screened by existing vegetation. The resulting small variation in the building line would not, I believe, be significant.
- 8.4.3. The amendments proposed, (with slight change to building line proposed), would lessen the landscape impact of the proposed dwelling from the initial proposal, although there would remain some visual impact from the east and south-east. The existing dwellings to the west, sited at a higher level, have already impacted negatively on the rural landscape, and the subject house as amended may not add very significantly to the overall landscape impact from most aspects. If the Commission is minded to grant permission, I would recommend a condition requiring a landscaping plan to provide suitable screen planting along the front boundary (rear

of the sightlines) and the eastern boundary, with details to be agreed with the planning authority, to help minimise the impact of the development on the landscape.

- 8.4.4. The proposed dwelling, in its revised location, is as referenced above, approximately 40m away from the neighbouring house to the west (the appellants), and the finished floor level would be 5m lower than the neighbouring house. (I note the appellant queried the varying levels indicated in the planning applications, however, I am satisfied that the levels put forward in the current application are most likely accurate, based on onsite observations). There is a mature hedge along the side boundary of the existing dwelling, while the existing hedgerow and trees along the boundary of the lane provide further screening. On that basis I am satisfied that there are no issues with regard to the protection of the residential amenities of either dwelling.

8.5. Wastewater Treatment System

- 8.5.1. The application proposes to install a wastewater treatment system, while water services are available from the existing public watermain.
- 8.5.2. The aquifer is locally important (LI) and classified as having extreme vulnerability. Site Suitability Assessment recorded a trial hole depth of 2m, with bedrock encountered at 0.9m. Soil is described as 'gravelly silt'. Response Rate as per EPA CoP indicates that the site falls within the R2-1 response category, which is considered acceptable subject to normal good practice. Percolation tests resulted in t-value of 9.8 and a p-value 10.3 and the site is considered suitable for development.
- 8.5.3. The applicant proposes to install a proprietary tertiary treatment system and 25sqm percolation area with discharge to ground water. Separation distances are achieved in every direction from the percolation area.
- 8.5.4. The Site Suitability Assessment was amended by way of further information to take account of two springs which are located 129m from the site and uphill from it and therefore have no implications for the wastewater treatment system. Based on the available information, the proposed wastewater system appears to comply with requirements of EPA CoP 2021 and is considered acceptable.

9.0 AA Screening

Screening Determination: Finding of no likely significant effects (See attached Appendix 2)

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dingle Peninsula SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 9.2. This determination is based on:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
 - Distance from and lack of connections to the European sites

10.0 Water Framework Directive

- 10.1. The subject site is located at Knockenpower Upper, Ring County Waterford and the nearest waterbody is the coastline, which is 670m from the site. There are no rivers or drains in the vicinity of the site.
- 10.2. The proposed development comprises construction of a single storey dwelling, wastewater treatment system and entrance. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the development 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. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development]
- Location relative to-distance from nearest Water bodies and lack of hydrological connections.

10.5. Conclusion

I conclude 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 Recommendation

11.1. Refusal of permission is recommended.

12.0 Reasons and Considerations

Taken in conjunction with existing development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area, would constitute undesirable ribbon development, contrary to Objective H29 of the Waterford City and County Development Plan 2022-2028. It would create a precedent for further similar undesirable development, militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Ann Bogan
Planning Inspector

16 December 2025

Appendix 1

- Form 1 EIA Pre-Screening

Case Reference	PL-500094-WD
Proposed Development Summary	Construction of single storey house, wastewater treatment system and entrance
Development Address	Knockenpower Upper, Ring, Dungarvan
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified	

in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
X Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i), single dwelling, threshold 500 dwellings

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No X	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Ann Bogan

Date: 16/12/2025

Form 2 - EIA Preliminary Examination

Case Reference	PI.500094-WD
Proposed Development Summary	Construction of single storey house and wastewater treatment system and entrance
Development Address	Knockenpower Upper, Ring, Co Waterford
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in a rural area on improved agricultural land which is abundant in the area. The development is 650m from European site and close to sensitive natural landscapes of identified significance in the County Development Plan.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. For example: Having regard to the modest nature of the proposed development, its location relative to sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.

There is a real likelihood of significant effects on the environment.	EIAR required.
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Inspector: Ann Bogan _____ **Date:** _16/12/2025_____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2 Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics Case file: PL-500106-LK

Brief description of project	Normal planning appeal Application for outline permission for dwelling house and wastewater treatment system at Knockenpower Upper, Ring, County Waterford See section 2 of inspector's report
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is in a rural area. It is a field, previously in use for agricultural purposes at present, with further fields to the east and north and existing dwellings to the west. The development will comprise of construction of a dwelling house, entrance, proprietary wastewater treatment system. The tertiary wastewater treatment system and infiltration area will discharge to groundwater and is designed in accordance with requirements of EPA Code of Practice for Domestic Wastewater Systems 2021. There are no watercourses in the vicinity of the site or any direct hydrological connections to any European site. .
Screening report	No Waterford City and County Council screened out the need for AA.
Natura Impact Statement	No
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹	Distance from proposed development	Ecological connections ²	Consider further in screening ³ Y/N
Helvick Head SAC Site Code: 000665	www.npws.ie/protected-sites/sac/000665	0.33km	No direct connection, Slight possibility of indirect	Y
Helvick Head to Ballyquin	www.npws.ie/protected-sites/spa/004192	0.09km	No direct connection	Y

SPA (Site Code: 004192)			Slight possibility of indirect	
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¹ summary description / **cross reference to npws website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site Helvick Head SAC (Site Code: 000665) Qualifying interests: Vegetated Sea Cliffs (1230) Dry Heath (4030)	Direct: none Indirect: localized, temporary, low magnitude impacts from construction related emissions during construction or to ground water from tertiary wastewater treatment system.	Distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. .
Helvick Head to Ballyquin SPA (Site Code: 004192) Qualifying interests: A017 Cormorant <i>Phalacrocorax carbo</i> A103 Peregrine <i>Falco peregrinus</i> A184 Herring Gull <i>Larus argentatus</i> A188 Kittiwake <i>Rissa tridactyla</i> A346 Chough <i>Pyrrhocorax pyrrhocorax</i>	Direct: none Indirect: localized, temporary, low magnitude impacts from construction related emissions, or to ground water from tertiary wastewater treatment system.	Distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. .
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site.
No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dingle Peninsula SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites

Inspector: Ann Bogan_____ **Date:**16/12/2025_____