



An
Coimisiún
Pleanála

Inspector's Report PL-500267-WD-25

Development	Construction of a house and separate garage.
Location	Curraheenavoher, Ballymacarbry, Co Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	25/15
Applicant(s)	Donna Costigan
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Catherine Starling
Observer(s)	An Taisce
Date of Site Inspection	28 th January 2026
Inspector	Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Curraheenavoher, c.2.6km (crow-flies) to the northwest of Ballymacarbry village. The site is rectangular in configuration and indicated as measuring c.0.4ha.
- 1.2. The site is an agricultural field within the wider landholding of the applicant's family. The applicant's family home, farmyard and agricultural buildings are located to the west of the site (c750m crow flies, c.2.2km by road).
- 1.3. The site is bound to the north by a period farmhouse with several outbuildings, to the east by the local public road (L5089), and to the south and west by agricultural fields (boundaries comprised of mature hedgerow with trees, drainage ditch, stream).
- 1.4. The adjacent farmhouse to the north is listed as a protected structure (RPS Ref. WA750288) and included in the National Inventory of Architectural Heritage (NIAH Ref. No. 22900506) (property of the appellant on the case).
- 1.5. Access to the site is via an existing agricultural entrance located in the northeastern corner of the site. On the eastern side of the road is a detached modern agricultural shed (within the applicant's family landholding).
- 1.6. The topography of the site is relatively level, with ground levels decreasing steadily in a southerly direction across the site. The public road is straight, narrow, and, except for the farmhouse complex and modern agricultural shed, is free of development (any other dwellings, agricultural structures).

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached dwelling, garage, wastewater treatment system, new vehicular entrance, blocking of the existing agricultural entrance, and all associated site works. The proposed dwelling is two storeys in design, with an indicated floor area of c.260sqm. The garage is single storey in design and c.32sqm.
- 2.2. The proposal includes a new vehicular entrance in the southeastern corner of the site to the public road. The proposed dwelling and garage are sited towards the northeastern portion of the site, with the wastewater treatment system (plant and

raised bed/ percolation area) located to the southwest of the dwelling. The proposal includes a private well and four surface water soakaways.

- 2.3. During the assessment of the application, Further Information (FI) and Clarification of FI (CFI) were requested by the planning authority (see Section 3.0 below for details). In response to the requests, the applicant revised the proposed development and provided wastewater treatment details (as proposed, and of the adjacent property to the north). Key amendments include revisions to the location of the dwelling, garage and wastewater system within the site (relocated further to the south and east), to the red-line development boundary, and to the design of the dwelling (offer of omission of first floor level window opens).
- 2.4. I consider there to be planning merit in the revisions to and/ or details provided on the proposed development by the applicant in the FI and CFI responses. For the Commission's clarity, the following assessment considers the proposed development as per the CFI response.

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. The application was lodged with the planning authority on 12th February 2025. On 7th April 2025, the planning authority requested FI, which the applicant responded to on 28th July 2025. On 21st August 2025, the planning authority requested CFI, which the applicant responded to on 24th September 2025. On 20th October 2025, the planning authority issued a Notification of Decision to Grant Permission for the proposed development subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planner's Reports

Initial Assessment

The planner's report includes an assessment of the proposed development under the following headed items:

- Local Housing Need
- Site Servicing

- Access
- House Design/ Siting
- Development Contributions

The requirements for AA, EIA and WFDA are screened out.

While a number of the headed items are assessed as being acceptable, serious concerns are expressed regarding the siting and design of the proposed development, impact on the adjacent protected structure, and wastewater drainage proposals.

The initial assessment concludes with a recommendation that FI be requested from the applicant relating to two items:

- House Design/ Siting
- Site Servicing

Further Information Assessment

On assessment of the FI response, the planning authority found the responses to both items to be unsatisfactory (minimal revisions to the siting and design of the proposed dwelling, outstanding issues relating to wastewater drainage proposals). The applicant was again requested to address the two items by way of Clarification of FI.

Clarification of Further Information Assessment

On assessment of the CFI response, the planning authority found the responses to items to be satisfactory (relocation of proposed dwelling more substantive, certification from a qualified professional for the site suitability test for the wastewater treatment system (i.e., verifying the methodology used and satisfactory results).

Recommendation

The planning authority concluded that, in having regard to the zoning and policies of the development plan and the type of development in the vicinity of the site, the proposed development would be in accordance with the proper planning and sustainable development of the area. Permission to grant is recommended, subject to 10 conditions.

3.2.2. Other Technical Reports

Conservation Officer: Initial report finds proposal unacceptable, recommends revisions in the event of FI. FI report recommends revisions in the event of CFI. No subsequent report at CFI stage on file.

Executive Engineer Dungarvan/ Lismore: No report on file.

3.2.3. Conditions

The 10 conditions attached to the grant of permission are standard in nature for a detached dwelling in a rural location. These relate to restrictions on first occupation, site servicing (vehicular access, water supply, wastewater drainage, surface water drainage), external finishes, landscaping, and a development contribution.

3.3. Prescribed Bodies

3.3.1. No submissions from prescribed bodies were received by the planning authority during the assessment of the planning application.

3.4. Third Party Observations

3.4.1. The planning authority indicates one third-party observation (from the appellant) was received during the assessment of the application, and summarises the key issues raised.

3.4.2. I have reviewed the submission on the case file and confirm issues raised therein continue to form the basis of the appeal case, which are outlined in detail in Section 6.0 below.

4.0 Planning History

Appeal Site

None.

Adjacent Lands to the North

PA Ref. 02/1301

Permission granted in March 2003 to C. Starling for alterations to existing buildings which are protected structures.

PA Ref. 01/15

Permission granted in March 2001 to C. Starling for a new septic tank.

5.0 Policy Context

5.1. National Context

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

National Planning Framework: First Revision, April 2025

5.1.2. The National Planning Framework (NPF, as revised) postdates the guidelines and maintains the established policy that applicants for new rural dwellings in locations under urban influence demonstrate a functional economic or social requirement for housing need.

5.1.3. The relevant National Policy Objective (NPO) is NPO 28 which states:

'NPO 28:

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

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

Climate Action Plan (CAP) 2025/ CAP 2024

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

Section 28 Ministerial Guidelines

5.1.5. Relevant guidelines for the appeal case include the following (my abbreviation in brackets):

- Sustainable Rural Housing Guidelines for Planning Authorities, 2005 (Rural Housing Guidelines)
 - Outlines the planning context for applicants seeking dwellings in rural areas, including those areas under urban influence, defines 'rural generated housing', and identifies the different categories of persons which can demonstrate a rural housing need.
 - Section 3.2.3 of the guidelines refer to 'Persons who are an intrinsic part of the rural community'. This category includes persons who have spent substantial periods of their lives living in rural areas as members of the established rural community (e.g., farmers, their sons and daughters, and people (sons and daughters of rural families) who have lived most of their lives in rural areas and are building their first homes).
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011 (Architectural Heritage Guidelines)
 - Section 13.8.2 highlights that new development, both adjacent to and at a distance from, can affect the character and special interest of a protected structure and impact on it in a variety of ways. A new development could have an impact even when it is detached from the protected structure due to its being visible in an important view of or from the protected structure.
 - Section 13.8.3 guides that the extent of the impact of a proposal will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting. Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure, thus affecting their character. Proposals should not have an adverse effect on the special interest of the protected structure.

5.2. Local Context

Waterford City and County Development Plan 2022-2028

- 5.2.1. Waterford City and County Development Plan 2022-2028 (CDP) is the applicable development plan for the assessment of the appeal case. The CDP comprises several volumes including Volume 1: Written Statement, Volume 2: Development Management Standards, Volume 3: Appendices, and Volume 4: Maps.
- 5.2.2. Relevant policy and objectives from Volume 1 include those in Chapter 7: Housing and Sustainable Communities and Chapter 11: Heritage, from Volume 2 are those in Section 11.0 Zoning and Land Use, and from Volume 3 those in Appendix 8: Landscape and Seascape Character Assessment.

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

Section 7.11.2 Housing in the Open Countryside

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

Policy Objective H 28:

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

Housing Need

Persons with 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.

- Chapter 11: Heritage (Volume 1)
 - Objective BH 01: Record of Protected Structures

We will promote the protection of the architectural heritage of the City and County through the identification of structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, by the inclusion of such structures on the Record of Protected Structures (RPS) and by taking such steps as are necessary to ensure the protection of those structures, their maintenance, conservation, enhancement, and appropriate active use.

To this end we will contribute towards the protection of architectural heritage by complying, as appropriate, with the legislative provisions of the Planning and Development Act 2000 (as amended) in relation to architectural heritage and the policy guidance contained in the Architectural Heritage Protection Guidelines 2011 (and any updated/ superseding document).

- Objective BH 11: Maintaining and Enhancing Special Character

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

- Objective BH 12: Settings and Vistas

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

- Objective BH 24: Maintaining and Enhancing our Vernacular Buildings

It is the policy of the Council to:

- *Protect, maintain and enhance the historic character and setting of vernacular buildings, farmyards and settlements.*
- *Encourage appropriate revitalisation and reuse of such structures (see rural diversification/ tourism). There will be a presumption against the*

demolition of vernacular buildings where restoration or adaptation is a feasible option.

- *Promote the protection and maintenance of thatched buildings (domestic or non-domestic), particularly those with historic layers and roof structures.*

- Section 11.0 Zoning and Land Use (Volume 2)

Section 11.2 Use Zoning

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

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

- Appendix 8: Landscape and Seascape Character Assessment (Volume 3, also Volume 4, Natural Heritage Map)

Section 4.3(a) Low Sensitivity Areas

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

- Appendix 9: Record of Protected Structures (RPS) (Volume 3)

Protected structure adjacent to the north of the site is listed as:

- RPS Ref. WA750288, description: 'farmhouse'.
- National Inventory of Architectural Heritage (NIAH) Ref. No. 22900506, description includes: *'(i) Detached five-bay single-storey farmhouse with dormer attic, c.1850, retaining original fenestration. Renovated, c.2000, with dormer attic added... Set back from road in own grounds with forecourt. (ii) Detached four-bay two-storey rubble stone outbuilding, c.1850, to south-east with single-bay single-storey end bay to left (south)...(iii) Detached single-bay single-storey gable-fronted rubble stone outbuilding with attic, c.1850, to west...(iv) Detached three-bay single-storey rubble stone outbuilding, c.1850, to east...Now in ruins...(v) Detached two-bay single-storey rubble stone outbuilding, c.1850, to east...Now in ruins.'* Appraisal: *'An attractive farmyard complex*

incorporating a well-composed house retaining its original form and fabric, together with a range of attendant outbuildings of traditional construction, which contribute considerably to the group and setting values of the site.'

- RPS description and appraisal (Volume 4, Built Heritage Map, from interactive version))
 - *Description: Five-bay single-storey farmhouse with dormer attic, c.1850, Set back from road in own grounds with forecourt. A range of ancillary rubble stone outbuildings.*
 - *Appraisal: An attractive farmyard complex incorporating a well-composed house retaining its original form and fabric, together with a range of attendant outbuildings of traditional construction, which contribute considerably to the group and setting values of the site.*

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 5.3.2. The European site designations in proximity to the appeal site include (as measured at closest proximity between boundaries):
- Lower River Suir SAC (site code: 002137) is c.1.02km to the south.
 - Nier Valley Woodlands SAC (site code: 000668) is c.3.37km to the southeast.
 - Comeragh Mountains SAC (site code: 001952) is c.9.16km to the east.
- 5.3.3. The pNHA designations in proximity to the appeal site include those associated with certain SAC designations:
- Nier Valley Woodlands pNHA (site code: 000668) is c.3.37km to the southeast.
 - Comeragh Mountains pNHA (site code: 001952) is c.9.16km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

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

Impact on the Setting and Character of the Protected Structure

- Submits a dwelling house anywhere on the site would have a detrimental impact on the setting of the protected structure.
- Refers to the provisions of the Architectural Heritage Guidelines, specifically Paragraph 13.7.
- Undertakes an assessment of the proposed development as per Paragraph 13.7, sub-items (a)-(j).
- Planning authority did not assess the proposed development with regard to the guidelines or refer the case to the relevant prescribed bodies.
- Proposed development materially contravenes CDP policy BH 12 (Settings and Vistas).

Scale and Design of the Proposed House

- Proposed development is not in keeping with or sensitive to the rural location.
- Planning authority (Planning Officer, Conservation Officer) from outset had objected to the scale, height, and massing of the proposed house.
- Decision to grant permission unexplained, why was house design accepted simply because the house's position on the site had been adjusted.
- Criticisms of the house design for the rural location include its inappropriate depth and massing, elevational features, fenestration (number, proportions, positioning), solid-to-void relationship, and external finishes (pvc glazing, stone door surround).

Infringement on Property Rights

- Appellant's wastewater treatment system (approved under PA Ref. 01/15) comprises a septic tank in front lawn of the farmhouse and percolation area in the northwest of the appeal site.
- Appellant has an entitlement to access their percolation area within the site.

- Percolation area was interfered with by the applicant after the FI request (distribution box and percolation pipes were exposed, a percolation pipe was broken and replaced during the excavation, unknown whether the system was checked after).
- Access via the existing agricultural gate was used to originally install the appellant's percolation area and is the only practical means for the appellant to access the percolation area for its ongoing maintenance, repair etc.
- Proposed development (blocking of the gate) prohibits future access. Appellant cannot access the percolation area from their property due to change in ground level.
- Denial of access to the percolation area raises public health concerns if it needs maintenance.

Impact on Ecology

- Outlines the applicant's investigation of appellant's percolation area (on foot of FI request), sampling of adjacent stream to the west, bacteriological test undertaken, and claims of cause of pollution (i.e., appellant's percolation area).
- Disputes claim of pollution being caused as a result of the appellant's percolation area (no evidence of same).
- Counter claims provided of the cause of pollution (i.e., applicant's farming operations).
- Submits no further permissions for development discharging effluent to ground in close proximity to the stream should be considered.
- Proposed development is not accompanied by an Appropriate Assessment Screening report.
- Specific mitigation measures would likely have to be designed to protect the stream during works and use of the site, requiring the need for an appropriate assessment (Stage 2, Natura Impact Statement).

- Planning authority incorrectly screened out the need for an appropriate assessment prior to the receipt of details on wastewater drainage/ site servicing.
- Adverse impacts on the conservation objectives of the Lower River Suir SAC could not be ruled out.

Alternative Sites

- Extent of the applicant's family landholding highlighted for the applicant to be encouraged to seek an alternative, more suitable site.
- Critical that an alternative site was not suggested by the planning authority, no assessment of more suitable sites has been undertaken.
- Refers to requirements of the Rural Housing Guidelines (site selection process, avoid or minimise any impacts upon the natural and cultural heritage).
- Preplanning notes do not refer to the proximity of the proposed development to the protected structure or to a consideration of alternative sites.

6.2. Applicant Response

6.2.1. The applicant has submitted a response to the third-party appeal, key issues raised include the following:

- Followed proper planning process, engaged with the planning authority, undertook requests from same, and acted in good faith.
- All matters referenced in the appeal have been comprehensively dealt with in the documentation provided to the planning authority.
- Appellant has misrepresented the final agreed position for the proposed house in an unscaled image included in the appeal.
- Use of incorrect illustrations in the appeal is misleading and should be disregarded.

6.3. Planning Authority Response

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

6.4. Observations

6.4.1. An observation has been made on the appeal case by prescribed body An Taisce, the key issues raised include the following:

- As a rural area under urban pressure there is a requirement to ensure that the applicant's circumstances meet national and local policy requirements.
- If the applicant is deemed to have a rural housing need because of location of the parental home, to drop a one-off road front house into a non-zoned and non-serviced rural location under urban pressure, the location selection needs to meet a range of site suitability considerations.
- Concurs with the appellant's submission that the location suitability of site-based need of the applicant has been justified (sic).
- Site has been hived off the smaller of two landholdings in the ownership of the applicant's family. The larger landholding which is separate from the application site landholding is the location of the applicant's parents' home.
- Site is part of smaller landholding separate from the location of the family home.
- Obvious there are multiple alternative site options for a house development on the family landholding in this area, particularly on the other part of the landholding where the parental home is located.
- Hiving off of a house site in the proposed location would contravene a range of built heritage policies including CDP BH 11, BH 12 and in particular BH 24.
- Does not consider that any design modification can resolve the unsuitability of the site for a one-off house having regard to CDP BH 24.
- Repositioning of proposed new house footprint further south during the planning FI and RFI process failed entirely to address the site suitability in the first instance, combined with the impact of the detached garage.
- Submits that the proposed development warrants comprehensive refusal.

7.0 Planning Assessment

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

- Rural Housing Policy
- Siting and Design
- Architectural Heritage
- Water Services and Water Quality

I propose to address each item in turn below.

7.2. Rural Housing Policy

Context

- 7.2.1. The application and appeal documentation outline the applicant's circumstances. The applicant is the daughter of the landowner of the family farm and presently resides with her parents at the family home. She wishes to build a new home on family lands, in her local rural community, of which she is an active member.
- 7.2.2. The family home is located in Glasha, to the west of the appeal site (c.750m, crow-flies) and is accessed via a different local road (c.2.2km separation distance, travelling via roads). The farmyard and agricultural buildings are located adjacent to the northeast of the family home.
- 7.2.3. The applicant has submitted documentary evidence in support of her application. Details include the completed Supplementary Form, birth certificate, school record, employment correspondence, and bank account details (proofs of address at the family home). The application includes family landownership details (series of maps with lands outlined in blue).
- 7.2.4. In its assessment, the planning authority noted the documentation submitted by the applicant and determined the applicant had demonstrated a local housing need in accordance with CDP policy.

Compliance with Policy

- 7.2.5. The appeal site is zoned as 'Agriculture A' which seeks 'To provide for the development of agriculture and to protect and improve rural amenity'. New housing in such zoned lands is subject to compliance with the CDP rural housing policy.
- 7.2.6. Applicable CDP policy comprises that in Section 7.11.2. This section outlines that in assessments of applications for single rural dwellings, to comply with national rural housing policy, all rural areas in the county are designated as a 'Rural Area under Strong Urban Influence'.
- 7.2.7. National Policy Objective 28 of the National Planning Framework and Section 3.2.3 of the Rural Housing Guidelines (see section 5.0 of this report) are applicable. National policy recognises that a distinction is made for such rural areas due to their being within the commuter catchment of cities and large towns and centres of employment. The provision of single housing in the countryside in these areas should be facilitated based on the core consideration of demonstrable economic or social need to live in the area.
- 7.2.8. National policy is reflected in CDP Policy Objective H 28 which similarly seeks to facilitate new homes in the open countryside based on the core consideration of demonstrable economic, social or local need to live in a rural area, in addition to general siting and design criteria in the development plan and in relevant statutory planning guidelines.
- 7.2.9. Policy in CDP Section 7.11.2 relating to Housing Need identifies that persons with a demonstrable social need to live in a particular rural area would include those that have lived a substantial period of their lives (7 years or more) in the local rural area and who require a dwelling to meet their own housing needs close to their families and to the communities of which they are part.
- 7.2.10. On review of the case documentation, I am satisfied that the applicant has demonstrated that she has a social need for a rural dwelling in the local community of which she is part. I consider the applicant's rural housing need satisfies national (NPO 28, Section 3.2.3) and local policy (Section 7.11.2, and Policy Objective H 28) on the matter.

Alternative Siting Options

- 7.2.11. The potential for alternative siting options for the proposed development features strongly in the appeal case. In its initial report, the planning authority refers to the substantial family landholding (as per the land registry details) that 'may offer a series of more appropriate alternative sites' for the proposed development.
- 7.2.12. In its assessment of the FI response, the planning authority again refers to the possibility of relocating the proposed development to an alternative site on the wider landholding to address core concerns which had arisen in the case (impact on the adjacent protected structure, and wastewater treatment issues).
- 7.2.13. In the third-party observation to the planning authority on the application, the appellant had indicated the extent of the family landholding (by map with reference to folio numbers). The appellant includes alternative siting options as an appeal ground, stating the proposed development fails to comply with the requirements of the Rural Housing Guidelines (i.e., provide information on how the proposed site has been chosen as to avoid or minimise any impacts upon the natural and cultural heritage (I identify Section 4.1 of the guidelines).
- 7.2.14. In its observation on the appeal, prescribed body An Taisce highlights the importance of the site selection process for new rural dwellings and that a range of site suitability considerations must be met. The observation is highly critical of the manner in which the site has been chosen, separated from the remainder of the larger landholding, at a distance from the family home, and states that it is evident there are 'multiple alternative site options' for the proposed development.
- 7.2.15. I have reviewed the documentation on the case file including the applicant's appeal response. While I acknowledge the applicant's stated engagement with the planning process, I concur with the planning officer's initial concerns regarding the site's suitability, and the oppositions expressed by the appellant and An Taisce. Having reviewed the land registry details and undertaken my site inspection, which included travelling adjacent roads, I consider there to be more appropriate alternative locations within the family landholding in which the applicant's rural housing need can be met.
- 7.2.16. As discussed in subsection 7.4 Architectural Heritage below, the proposed development at the site would negatively impact the setting of the protected structure and cause injury to its character and special interest. I consider both adverse effects

to be unnecessary and avoidable having regard to the availability of alternative sites to the applicant.

7.3. **Siting and Design**

Context

- 7.3.1. The planning authority's concerns regarding the siting and design of the proposed development, particularly the height, scale and massing of the dwelling, are evident in the assessment of the application. While initially described as 'serious concerns', the proposal was accepted on foot of siting revisions made in the applicant's CFI response.
- 7.3.2. Appeal grounds include that the proposed development is not in keeping with or sensitive to the rural location, and specific design details are identified as being inappropriate for the rural location.
- 7.3.3. An Taisce's observation submits that repositioning the proposed dwelling further south during the planning FI and CFI process failed entirely to address the issue of site suitability in the first instance and is compounded with the impact of the detached garage.

Siting

- 7.3.4. As I outlined in section 2.0 of this report above, in considering the proposed development I have had regard to the amendments made during the FI and CFI stages of assessment by the planning authority.
- 7.3.5. The key amendment made to the siting of the proposed dwelling (and garage) was to increase the separation distance from the site's northern boundary from c.10m to c.22m in a southerly/ southeasterly direction at the CFI response stage.
- 7.3.6. As per the CFI response, the proposed dwelling and garage are positioned in the northeast/ centre of the site. The structures are orientated to face south and side-onto the road. The rear elevation of the dwelling is indicated as being c.22m from the site's northern boundary and c.42m from the front elevation of the farmhouse. The garage is sited on the eastern side of the dwelling, closer to the road, at a distance of c.18m to the northern boundary. A new recessed vehicular entrance is proposed in the southeastern corner of the site, with c.40m long driveway to the structures.

Design

- 7.3.7. The key amendment made to the design of the dwelling was to indicate the omission of/ changes to a number of dormer windows in the rear/ gable elevations at the FI response stage.
- 7.3.8. As per the CFI response, the proposed dwelling is a two-storey structure with a stated floor area of c.260sqm. Principal dimensions include a depth of c.12.6m, width of c.15m, and height of c.7.5m. Elevational design features include projections on the front and rear elevations, a range of fenestration, several dormer windows in the front and hipped-roof planes, and a double-glazed front door with stone finish surround. Principal dimensions of the garage include a depth of c.7.6m, width of c.5.1m, and height of c.4.75m.

Appraisal

- 7.3.9. I have reviewed the plans and particulars of the proposed development and, following my site inspection, find the siting and design of the proposed dwelling and garage structures to be inappropriate for the site and to inadequately respond to the sensitivities of the receiving area. These include the architectural heritage context set by the adjacent protected structure and cluster of ancillary buildings, and also the undisturbed rural landscape at this location, largely free of buildings.
- 7.3.10. I note the opportunities given to the applicant by the planning authority during its assessment of the application to revise the siting and design of the proposed development to better respond to the receiving context. I concur with the planning officer's initial concerns regarding the location, height, scale and massing of the proposed development, the related appeal grounds cited by the appellant, and the opposition raised by An Taisce.
- 7.3.11. While the topography of the site is relatively level, I note that there is c.4m difference in ground levels between the site's northern and southern boundaries. The proposed structures are sited in the northeastern/ central portion of the site, which is over c.2m higher than the southern portion of the site. I consider the siting of the proposed structures on the rising slope within the site, and their designs (inappropriate height, scale and massing) would impact negatively on the quality rural landscape at this location and cause injury to the visual amenities of the area.

- 7.3.12. In respect of the site being located within a 'Low Sensitive' scenic classification in the CDP, I note the plan's Landscape and Seascape Character Assessment states these areas have potential to absorb new developments subject to normal planning and development control procedures. For the reasons outlined above, I do not consider that the site and proposed development satisfy these criteria.
- 7.3.13. Therefore, on balance, I do not consider the siting and design of the proposed development to be acceptable. I conclude that the proposed development would negatively affect the rural character and visual amenities of the area and, in so doing, would be contrary to the Agriculture A zoning objective which seeks 'To provide for the development of agriculture and to protect and improve rural amenity'.

7.4. Architectural Heritage

Context

- 7.4.1. The adjacent property to the north is listed as a protected structure in the CDP, RPS Ref. WA750288, and also an entry in the NIAH, Ref. No. 22900506 (see section 5.0 of this report above). The RPS description is 'farmhouse' while the NIAH entry (dating from 2003) provides a more detailed description of the farmhouse and outbuildings, appraised as 'an attractive farmyard complex'.
- 7.4.2. The proposed development's impact on the setting of the protected structure features strongly in the appeal case. There are two reports on the case file from the Conservation Officer (initial and FI response stages), within which the RPS is described as 'an excellent example of an increasingly rare rural farm complex'. The reports find the siting, height, scale and massing of the proposed dwelling to be unacceptable, there is potential to have a negative visual impact on the protected structure and its setting, which would be contrary to several CDP Built Heritage Policies and Objectives. There is no final report from the Conservation Officer on the case file assessing the applicant's CFI response.
- 7.4.3. Appeal grounds include that the development anywhere in the site would have a detrimental impact on the setting of the protected structure, the proposed development does not comply with the Architectural Heritage Guidelines (specifically Paragraph 13.7) and materially contravenes CDP Objective BH 12.

7.4.4. An Taisce's observation holds that creating a rural house site at the proposed location would contravene a range of built heritage policies in particular CDP BH 24, no design modification can resolve the unsuitability of the site for a one-off house having regard to CDP BH 24, and that the proposed development warrants comprehensive refusal.

Compliance with National Policy

7.4.5. There is a range of national and local built heritage policy that is relevant to the assessment of the appeal case (see section 5.0 of this report above).

7.4.6. In respect of national policy, the appellant submits the application site is part of the attendant grounds of the protected structure, cites Paragraph 13.7 of the Architectural Heritage Guidelines as applicable, undertakes an assessment of the proposed development (several sub-items), and is critical of the planning authority for not having done likewise.

7.4.7. I note that Section 13.7 of the guidelines relates to 'development within the attendant grounds' of a protected structure. Section 13.2 guides that attendant grounds of a protected structure can be lands outside the curtilage of the structure, but which are associated with the structure and are intrinsic to its function, setting and/ or appreciation. Section 13.2.3 guides that the attendant grounds of a structure can be protected but these must be specified in the RPS and the owners and occupiers notified in order for the features to be protected.

7.4.8. The description of the CDP RPS entry for protected structure RPS Ref. WA750288 is 'farmhouse'. It is a matter of law that the protection extends to the curtilage of the farmhouse (i.e., in this case the outbuildings, front yard and garden). However, I do not consider the southern field to the front of the complex (i.e., the appeal site) to be attendant grounds. No attendant grounds are specified in the RPS entry, and the Conservation Officer did not identify the site as such. Further, there is no evidence on the case file that the landowner (applicant's father) has been notified as required. Accordingly, I do not consider the planning authority was remiss in not assessing the proposal under Section 13.7, and I do not propose that the Commission do so.

7.4.9. In any event, I identify the relevant policy from the guidelines to be that in Section 13.8 which relates to 'other development affecting the setting of a protected structure' (Sections 13.8.2 and 13.8.3).

- 7.4.10. Section 13.8.2 highlights that even where new development is detached from a protected structure, it can affect the character and special interest of the structure due to its being visible in an important view of or from the structure. Section 13.8.3 reiterates that where views to and from a protected structure are altered, the character of the structure can be affected, and proposals should not have an adverse effect on the special interest of the structure.
- 7.4.11. In deciding on the nature of the 'special interest' of the protected structure, I defer to the heritage expertise on the case file which describe the farmhouse and its outbuildings as an attractive farmyard complex (NIAH appraisal) and an excellent example of an increasingly rare rural farm complex (Conservation Officer).
- 7.4.12. In considering views to and from the protected structure, I have had regard to the orientation of the farmhouse complex (south facing) and the gradual increase in ground levels at the site/ along the public road (northerly direction). I consider that the key view of the structure is from the public road when travelling north, and the key view from the structure is the southerly outlook from the farmhouse, front yard and lawn.
- 7.4.13. Due to the proposed development's siting (on the rising slope, central/ northeastern portion of the site, siding-on to the road) and design (excessive height, scale and massing), views to and from the farmhouse complex would be materially altered, the open character of the farmhouse's façade would be encroached upon, and the special interest of the buildings as an attractive and rare farmyard complex would be materially decreased. As such, I consider the proposed development to be contrary to the applicable provisions of the Architectural Heritage Guidelines.

Compliance with Local Policy

- 7.4.14. In respect of local policy, I identify CDP Objectives BH 01, BH 11, BH 12, and BH 24 as applicable. Objective BH 01 commits to protecting the council's architectural heritage through complying with the policy guidance contained in the Architectural Heritage Guidelines, which as outlined above, I do not consider the proposed development achieves.
- 7.4.15. The applicable provisions of Objectives BH 11 and BH 12 are similar as these relate to protecting the special character of the structure and its curtilage from any works which would, respectively, detract visually or physically from, or result in any loss or

damage to same. Objective BH 24 seeks to maintain and enhance the historic character and setting of vernacular buildings and farmyards. As outlined previously, the special character of the structure and its curtilage is that which arises from their being an attractive and rare farmyard complex. I consider that the proposed development, by virtue of its siting and design, would detract visually (alter views) and physically (encroach) thereby resulting in damage to the special character of the farmhouse complex.

- 7.4.16. Having regard to the above, I concur with the positions of the Conservation Officer, appellant and An Taisce, and conclude that the proposed development, by reason of its siting and design, would negatively impact the setting of the protected structure and cause injury to its character and special interest. For the reasons outlined above, the proposed development is contrary to CDP Objectives BH 01, BH 11, BH 12, and BH 24.

7.5. Water Services and Water Quality

Context

- 7.5.1. The proposed development comprises a rural dwelling to be serviced by an on-site wastewater treatment system. The application is accompanied by a Site Suitability Test (SST).
- 7.5.2. During the assessment of the application, the location of the percolation area serving the adjacent property to the north was disputed in a third-party submission by the appellant. Wastewater drainage proposals were subject of the FI and CFI requests.
- 7.5.3. As per the CFI response, the applicant submitted a site layout plan (with a revised redline boundary) identifying (and excluding from the site) the adjacent property's percolation area to the northwest of the site and relocating the proposed wastewater treatment system (plant and percolation area) further to the south/ southwest of the site. The CFI response also included certification from a qualified professional in respect of the SST for the wastewater treatment system (i.e., verifying the methodology used and satisfactory results).

Appraisal

- 7.5.4. Appeal grounds include details of the investigative works undertaken at the site (of the appellant's percolation area, water quality tests, claims and counter claims of

pollution). Reference to interference with property rights and entitlement to access the percolation area are cited. I consider these items to be civil matters that are outside of the scope of the appeal case.

- 7.5.5. The substantive issue to be determined for the appeal case is whether the site can safely accommodate an on-site wastewater treatment system to service the rural dwelling in compliance with the requirements in the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021).
- 7.5.6. I have reviewed the SST and available resources (e.g., EPA, GSI). The SST indicates the aquifer category is regionally important and the groundwater vulnerability is moderate. The groundwater protection response is indicated as 'R1'. The subsurface percolation test value is reported as 31.92min/ 25mm. All minimum separation distances are stated as met ((e.g., adjacent stream, private well) reconfirmed in the CFI response details), and the site is stated as suitable for development.
- 7.5.7. I consider that the SST has been undertaken in accordance with the requirements of the Code of Practice, and the site would be suitable for and could accommodate a wastewater treatment system.
- 7.5.8. Associated appeal grounds include those relating to the proposed development having an adverse impact on water quality and ecology. I note that there are hydrological connections between the proposed development and surface water and groundwater bodies (via the drainage infrastructure). However, due to the scale and intensity of the proposal, the nature of the adjacent watercourse (minor stream), and the notable separation distances to other watercourses, the hydrological connections are not considered to be meaningful and/ or direct. Accordingly, no issues arise in respect of AA, EIA, or WSIA and requirements for same have been reasonably screened out (see Appendices 1-4 of this report below).

8.0 Environmental Impact Assessment

- 8.1. The proposal is of a class of development identified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations) for the purposes of Environmental Impact Assessment (EIA). Accordingly, I have

undertaken a pre-screening exercise and preliminary examination of the proposed development (see Appendix 1 and Appendix 2 respectively of this report below).

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

9.0 Appropriate Assessment

9.1. Stage 1 – Screening Determination for Appropriate Assessment

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

- 9.1.2. This conclusion is based on:

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

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

10.0 Water Status Impact Assessment

10.1. Screening Determination for Water Impact Status Assessment

- 10.1.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface water and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.1.2. I conclude that the proposed development will not result in a risk of deterioration on 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 WFD objectives and consequently can be excluded from further assessment (see Appendix 4 of this report below).
- 10.1.3. This conclusion is based on:
- Nature, scale and location of the proposed development.
 - Objective information presented in the case file and from verified sources.
 - Nature of the closest surface watercourse and proximity to other surface watercourses.
 - Lack of any meaningful hydrological connections to any waterbody.
 - Use of best practice construction practices during construction phase.

11.0 Recommendation

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

12.0 Reason and Considerations

1. Having regard to the character of the rural landscape, the prevailing pattern of development at the site location, and the presence of a structure adjacent to the site which is listed as a protected structure in the Waterford City and County Development Plan 2022-2028, it is considered that the proposed

development, by reason of its overall siting, height, scale, massing and design, would be inappropriate at this rural location, and detract from the character and setting of the protected structure. The proposed development would seriously injure the rural character and visual amenities of the area, and materially and adversely affect the special interest of the protected structure. The proposed development would be contrary to the applicable Agriculture A zoning objective applicable which seeks 'To provide for the development of agriculture and to protect and improve rural amenity', and to Objectives BH 01, BH 11, BH 12, and BH 24. The proposed development 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report, in an improper or inappropriate way.

Phillippa Joyce

Senior Planning Inspector

24th February 2026

Appendix 1: Environmental Impact Assessment – Pre-Screening

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	✓
(that is involving construction works, demolition, or interventions in the natural surroundings)		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b) Infrastructure Projects	Proceed to Q3
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓	Class 10(b)(i)	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Relevant thresholds arising from Classes: - Class 10(b)(i): more than 500 dwelling units.	Preliminary Examination required
5. Has Schedule 7A information been submitted?			
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: _____

Appendix 2: Environmental Impact Assessment – Preliminary Examination

<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/ disasters and to human health).</p>	<p>Project comprises a single dwelling with associated site works on a greenfield site (part of an agricultural field) within a rural area. The project includes an on-site wastewater treatment system, and soakaways for the disposal of stormwater run-off.</p> <p>Project does not differ significantly in terms of character or of scale from the surrounding area (i.e., majority of buildings are other detached dwellings, residential use is of a similar in intensity). Physical changes would be caused to the appearance of the site during the construction and operation (occupation) works, which would likely be within acceptable parameters for the receiving area. No significant use of natural resources is anticipated. The project would connect to a private well for water supply.</p> <p>Construction phase activities would result in the use of potentially harmful materials, and cause noise and dust emissions. These would likely be typical of similar construction sites. Conventional waste produced from construction and operational activities would be managed.</p> <p>Project would not cause likely significant effects on human health (such that would result in the requirement for an EIA) through water contamination, air pollution, the design of the scheme, or scale of residential activity.</p>
<p>Location of development</p> <p>(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</p>	<p>Project is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection. No evidence of protected habitats, plants, or fauna species.</p> <p>The site’s western boundary (stream, drainage ditch) is a minor tributary of the River Nier. The stream drains in a southerly/ southwesterly direction merging with several other tributaries prior to intersecting with the River Suir (c.3.4km (crow-flies), c.5.04km (downstream) from the site).</p>

<p>reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Due to the scale and intensity of the project, the nature of the adjacent watercourse (minor tributary), and the separation distances to other watercourses, there are no meaningful direct hydrological connections between the site, any surface or groundwater body, and/ or any protected nature designation. There is no evidence of flood risk.</p> <p>The site is not located within an architectural conservation area and does not include any archaeological monuments. Adjacent to the north of the site is protected structure CDP RPS Ref. WA750288, a farmhouse. The site is located within a 'Low Sensitive' scenic classification for landscape assessment purposes.</p> <p>Notwithstanding the findings of negative impacts caused to the setting and integrity of the protected structure, and on the landscape and visual amenities of the area, it is considered that the likelihood of significant effects, such that would result in the requirement for an EIA for the project, can be reasonably excluded.</p>
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<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Amelioration of environmental impacts have been incorporated into the project's design.</p> <p>Mitigation measures would include those required by conditions attached to a grant of permission in relation to construction and operation phases.</p> <p>There are no likely significant effects identified or anticipated in terms of cumulative and/ or transboundary effects.</p>
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Conclusion

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ **Date:** _____

Appendix 3: Appropriate Assessment – Screening

I have considered the project (proposed development) in light of the requirements section 177U of the Planning and Development Act 2000 as amended. The project is a single dwelling with associated site works on a greenfield site within a rural area.

The site's western boundary (stream, drainage ditch) is a minor tributary of the River Nier (Nier_030, EPA reference), which rises in uplands to the north and flows south. The stream drains in a southerly/ southwesterly direction merging with several other tributaries prior to intersecting with the River Suir (Suir_170) (c.3.4km (crow-flies), c.5.04km (downstream) from the site). The River Suir eventually discharges several kilometres downstream into Waterford Bay/ Suir Estuary.

The project is located uphill of two European site designations; the Lower River Suir SAC (002137) is c.1.02km to the south and the Nier Valley Woodlands SAC (000668) is c.3.37km to the southeast. The qualifying interests (QIs) of the Lower River Suir SAC include salt meadows, vegetation, oak woods, forests, mussels, several fish species, and otter (conservation objectives (COs) to restore and/ or maintain the favourable condition of same). The QI of the Nier Valley Woodlands SAC is oak woods (CO to restore the favourable condition of same).

The project includes an on-site wastewater treatment system, and soakaways for the disposal of stormwater run-off. The wastewater system ensures full treatment (several treatment stages) of sewerage prior to environmentally safe discharge to ground. The soakaways ensure on-site attenuation of storm water and initial treatment prior to environmentally safe discharge to ground. The site is part of an agricultural field with no evidence of habitats or species with direct links to any European sites (i.e., no ecological connections).

There are hydrological connections between the project (via the proposed drainage infrastructure) and surface water and groundwater bodies. However, due to the scale and intensity of the project, the nature of the adjacent watercourse (minor tributary), and the separation distances to other watercourses, there are no meaningful direct hydrological connections to any European sites.

The planning authority screened out the need for appropriate assessment. Nature conservation concerns are raised in the planning appeal, including criticism of the planning authority's screening decision, the absence of an AASR, and the requirement for a Stage 2 AA arising from the likely need for project specific mitigation measures (e.g., to protect the stream during construction).

I note the proposed dwelling and wastewater treatment system are acceptable distances from the stream (as per the CFI response, c.32m and c.12m respectively). I consider the project would be developed using standard construction processes and best practice measures to protect surface and ground water bodies (i.e., no requirement for specific measures to protect a European site).

The likelihood of a pollution event at the site which would be of a magnitude to cause a significant effect on the downstream European sites can be reasonably excluded.

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

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

Conclusion

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

Inspector: _____

Date: _____

Appendix 4: Water Status Impact Assessment – Screening

The project is a single dwelling with associated site works on a greenfield site within a rural area. The project includes an on-site wastewater treatment system, and soakaways for the disposal of stormwater run-off. The wastewater system ensures full treatment (several treatment stages) of sewerage prior to environmentally safe discharge to ground. The soakaways ensure on-site attenuation of storm water and initial treatment prior to environmentally safe discharge to ground.

The site's western boundary (stream, drainage ditch) is a minor tributary of the River Nier (Nier_030, EPA reference), which rises in uplands to the north and flows south. The stream drains in a southerly/ southwesterly direction merging with several other tributaries prior to intersecting with the River Suir (Suir_170) (c.3.4km (crow-flies), c.5.04km (downstream) from the site). The River Suir eventually discharges several kilometres downstream into Waterford Bay/ Suir Estuary.

The river is part of the Nier_030 waterbody (EPA: IE_SE_16N010400), which has a Water Framework Directive (WFD) status of 'good', an environmental objective of 'good', a 'not at risk' status of not achieving its WFD objective, and no identified pressures on the waterbody. The underlying groundwater body is Carrick-on-Suir (EPA: IE_SE_G_030), which has a WFD status of 'good', an environmental objective of 'good', an 'at risk' of not achieving its WFD objective, and identified pressures linked to domestic wastewater treatment systems, forestry and agriculture on the waterbody.

There are hydrological connections between the project and surface water and groundwater bodies, via the proposed drainage infrastructure. However, due to the scale and intensity of the project, the nature of adjacent watercourse (minor tributary, drainage ditch), and the separation distances to other watercourses, the hydrological connections are considered to be indirect and not to be meaningful. The planning authority screened out the need for a WFDA, and accepted the veracity of the on-site drainage proposals.

I have assessed the project and considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface water and ground 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 water and/ or ground waterbodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Objective information presented in the case file and from verified sources (e.g., EPA, planning authority).
- Nature of the closest surface watercourse and proximity to other surface watercourses.

- Lack of any meaningful hydrological connection to any waterbody.
- Use of best practice construction practices during construction phase.

Conclusion

I conclude that on the basis of objective information, the project will not result in a risk of deterioration on 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 WFD objectives and consequently can be excluded from further assessment.

Inspector: _____ Date: _____