



Development	Construction of a single storey house.
Location	Glen Clonea , Dungarvan , Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560731
Applicant(s)	Ciara Duffy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Ciara Duffy
Observer(s)	None
Date of Site Inspection	7 th April 2026
Inspector	Suzanne Kehely

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1.0 Site Location and Description

- 1.1. The site of c. 0.2hectares is located in a rural area about 8km north east of Dungarvan town centre. The site is accessed via a boreen/ track off a tertiary road network and is 2.2km from the R675. It is almost 3km from the N25 also via a tertiary road network. The nearest urban settlement is Ballinroad about 3km to the east and Garranbane National School is 1.2km north of Ballinroad.
- 1.2. The track is poorly aligned and uneven in surface with old gravelly surface. It links two roads (the L7014 and L7015) but visibility is better from the junction with the L7014 to the northwest which links to the R675 via the L3013.
- 1.3. The area is characterised by mainly tillage and horticultural farming with intermittent one-off housing. The track has two dwellings in the vicinity - one on each side of the site and a horticultural farm/yard is to the southeast which is adjoined by a cluster of houses and yards at the southern junction of the track with the local road.
- 1.4. The site is elevated and generally level rising moderately from the road in a north-westerly direction from c.122mOD in the southern corner to 126mOD in the northern corner and commands sea views to the south. It has a hedge frontage with some stone walling and a field access from the boreen/track. It is roughly rectangular in shape with a c.55m frontage with its depth ranging from 31m to 58m.
- 1.5. The site boundaries comprise of hedgerow and some stone walling and the ground is under grass and appears fallow. Some earthworks have taken place at the back of the site. An estate agent 'sale agreed' sign was present at time of inspection. Other site notices were also on display along the same side of the track to the northwest.

2.0 Proposed Development

- 2.1. Permission is sought for a single dwelling house comprising the following elements:

House Design and Siting

- A single storey 5.35m high house arranged in two simple narrow parallel blocks which align along the rear boundary. The blocks are linked by an entrance lobby and playroom area. There is an entrance area and intervening courtyard between the blocks on each side of the link.
- A set back of c 18.8m from the road is proposed for the dwelling and the wastewater treatment system and percolation area are proposed to the front at a distance of 4.475m from the road.
- A detached garage in the corner northwest of the house.
- Materials and finishes include a red metal roof, aluminium windows and painted sand /cement render with grey fascia finishes.
- The ridge height is 130.125mOD (floor height 124.7OD)
- The drawings show comparable floor levels and roof ridge levels.

Services:

- A private borehole well in the northeastern corner. This is shown to be in the order of 60m from the adjacent borehole well and treatment plant in respective neighbouring properties.
- Access is proposed via the L7014 with agreement to set back hedge/boundary to provide 55m sightline to north of this junction.
- The site location plan and site plan drawings also show locations of 10m x 3m car parking bays on the northern side of the track.

2.2. The application was accompanied by supporting documentation including:

- Statement of Design from the architect – explains the reference to traditional rural building form and use of narrow block plans and working with the contours of the site to reduce overall massing and enhancing rural character of the area.
- Site Suitability Report
- A letter of consent from the relevant registered landowner for vehicular passing bays and 1m roadside setback

- Supplementary details of ownership transfer, site services, site history and statement of housing need. (This states the applicant grew up 4.5m from the site in a rural area that is surrounded by green belt and that a proposed house in this location provided for the applicant to return to Ireland and deepen already strong roots with her young family as well as support her parents in the family home. Their child has been enrolled in local school Garranbane stated as within walking distance. (A letter of confirmation attached.)
- letters from the primary school of Scoil Mhuire and secondary school in Abbeyside, Dungarvan confirming attendance of applicant
- Meeting notes with WCC representative (councillor and roads engineer) indicating Road condition is not relevant to permission given its length and private ownership and opportunity overtime to improve with grants.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 5th December 2025 the planning authority issued notification of its decision to refuse permission

- It is considered that the additional traffic movements which would be generated by the development onto the substandard, narrow and poorly aligned and surfaced road network, notwithstanding notional passing bays, would endanger public safety by reason of traffic hazard. The proposal, and the undesirable precedent it would set, would therefore be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report (27/11/2025) by the Executive Planner refers to the planning history of the site and nearby sites along the same boreen and notes the previous decision to refuse permission based on traffic safety, public health and visual impact.

Appropriate Assessment: Having regard to the location of the subject site and to the nature of the proposed development, and the intervening distance with the identified Natura 2000 Sites, it is considered that no appropriate assessment issues arise in this case. In my opinion the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 Site

In a later Planning report (5/12/2025) by the Senior Executive Planner, two of the recommended reasons for refusal are omitted but there remain issues with the road safety. It is stated:

- In concurrence with the Exec report that the laneway is unsuitable in its current condition to traffic generated and it is also noted that two other applications have been lodged along the same lane. It is further commented that sightlines can be achieved to the NW of the junction with the L7014 and that there is consent to carry out these works and that it is not proposed to use the access from the L7015.
- Contrary to the exec planner, it is considered the site can accommodate the proposed single dwelling and will not have a significant visual impact in the wider landscape.
- In relation to public health it is sated that having discussed with Water Services, it is agreed the proposal is in accordance with the EPA COP and will not be prejudicial to public health.

3.2.2. Other Technical Reports

- Water Services: Water Supply: The development would be prejudicial to public health on the basis that it gives rise to an excessive concentration of bore wells in the area. Notwithstanding that the design of the WWTS complies with the EPA Code of Practice 2021, a concentration of 3 borewells within a 90m radius would be prohibitive for development, in the absence of a public water supply.
- Area Engineer: Entrance sightlines are compliant with CPD. Junction sightlines from the private boreen onto the L7014 are limited in both directions and do not comply with the CPD (55m in both directions at 2.4m

setback). The junction with L7015 Clonea Upper Road is limited and has not been considered in this application. Additional pulling in bays is positive. The boreen is quite narrow with an old gravel surface.

3.3. Prescribed Bodies

No reports

3.4. Third Party Observations

A letter of support from a County Councillor confirms applicant is a member of the local parish of Abbeyside -Ballinroad - Garranbane and expresses the view that the applicant meets the threshold required for complying with policy objective H28.

4.0 Planning History

4.1. The site

4.1.1. ABP PL24.223522 (PA ref 061709) refers to refusal of permission on appeal for a house for the owner of the site. [Based on the planning history the landowner has subdivided the subject site from the site of the adjacent cottage that has been restored and extended.] The reasons for refusal were stated as:

- 1) The site is located in an area identified as being Under Strong Urban Influence as set out in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government, April 2005. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in the Waterford County Development Plan, 2005 to channel housing into serviced centres and to restrict development in rural areas to serve the needs of those engaged in agriculture and in other rural activities. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the guidelines. The proposed development would contravene the objective of the planning authority and would lead to demands for the uneconomic

provision of further public services and facilities in an area where these are not proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2) The site is located in an elevated and exposed location on an upland ridge in an attractive landscape. The proposed development would constitute an obtrusive feature in the landscape which would seriously injure the amenities of the area and detract from its rural character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 3) Having regard to the road network serving the area, which is substandard in terms of width and alignment, it is considered that the additional traffic generated by the proposed development would endanger public safety by reason of traffic hazard.
- 4) Having regard to the size of the site, the pattern of development in the vicinity all served by wastewater treatment systems and bored wells, it is considered that the proposed development would result in an excessive concentration of development served by wastewater treatment systems. The proposed development would, therefore, be prejudicial to public health.

4.1.2. PA ref. 0538 refers to a previous refusal for a single storey house on the same site to the landowner

4.2. The Boreen

4.2.1. PA ref. 21/1182 refers to refusal of permission for a dwelling on site along the boreen.

4.2.2. PA ref. 24/60648; refers to refusal of permission for dwelling on adjacent site on the boreen. Reasons relate to traffic safety, public health and visual impact.

4.2.3. Current applications on the same sites (25/60784) and 25/60748) were awaiting assessment at time of the PA decision in the subject case.

4.3. Other

4.3.1. PA ref. 2275 refers to refusal of permission for a dwelling [to the south east on lower ground than the subject site] and the reason stated inter alia 'having regard to location of the site in a prominent and elevated upland area it is

considered the proposed development would seriously injure the visual amenities of the area would have a negative impact on and interfere with the character of the landscape and set an undesirable precedent for other such development. Permission (PA Ref. 2560507) subsequently granted to applicant who grew up on farm holding within 1km. House sited with ground floor level at c.112.25mOD.

- 4.3.2. PA ref. 22856 refers to refusal for house in Clonea on grounds of not meeting housing need criteria in section 7.11.2 and its contribution to encroachment of further development in the rural area and the inefficient provision of public services and infrastructure and that it necessitates the extensive removal of nature hedgerow and its militating impact against preservation of rural and natural environment.
- 4.3.3. An Bord Pleanála 319177 (PA ref. 2360438) refers to refusal of permission in 2024 for a rural house in Stradbally on basis of lack of demonstrable housing need.
- 4.3.4. An Bord Pleanála 322373 (PA ref. 2560083) refers to permission for a dwelling about 1km to the north. In this case the issue under dispute solely related to definition of ribbon development.

5.0 Policy Context

5.1. Development Plan – Waterford City and County Development plan 2022-2028

- 5.1.1. Zoning: The land is outside a designated development area and is zoned Agriculture: To provide for the development of agriculture and to protect and improve rural amenity.
- 5.1.2. Landscape and Seascape Character Assessment: The site area is classes as Low Sensitive which is a common character type with a potential to absorb a wide range of new developments. Key objectives include:
 - L02 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.

- C and M 05 Scenic Coastal Areas: To protect the scenic value of Waterford's Coastal Zone including landward and seaward views and continuous views along the coastline and manage development so it will not materially detract from the visual amenity of the coast

5.1.3. Rural housing: The site is in an area designated as an area 'under strong urban influence' and the following objectives apply:

- Policy Objective H24 states: We will support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities
- Policy Objective H28 states that the planning authority '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

In respect of social and local need it is stated that "A 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’.

In terms of design, Applicants for development should ensure proposals are consistent with design principles identified in rural housing design guidelines applicable across many local authorities such as the Cork Rural Design Guide 2003.

Development Management Standards are contained Volume 2 Waterford City & County Development Plan 2022-2028.

- Any proposal for a septic tank or wastewater treatment system shall be based on a site suitability assessment carried out in accordance with EPA code of practice 2021.
- 55m sightlines required onto road from a setback of 2.4m to the nearside road edge and applicant must demonstrate that these sightlines are achievable to the nearside edge (without the need for extensive hedgerow removal).

Housing Need is defined as follows:

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.

5.1.4. Overall

The overall aim of the Plan as set out in the written statement is to provide enough homes to support a level of services and infrastructure (including making alternatives to car travel feasible) to cater for the needs of the whole population while also protecting valued assets and resources including biodiversity and natural environment. In the core strategy Ballinroad is the nearest planned settlement area to the development site and is identified as a part of the Dungarvan and Ballinroad key town development area with a minimum target housing growth of 330 units by 2028. There is an existing 72.61 hectares of zoned lands in this area where 11 are only needed to meet this number of units. Ballinroad includes Phase 1 lands. The longer terms objective will be to further consolidate the town by further residential development, schools amenity and commercial uses subject to investment in infrastructure.

5.2. National Planning Framework, Revised 2025

5.2.1. In this, the Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, energy, inland waterways, marine, tourism and rural enterprise, while at the same time protecting the capacity of the receiving environment and avoiding ribbon and over-spill development from urban areas.'

- National Policy Objective 24: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over development, while sustaining vibrant rural communities.
- National Policy Objective 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 settlements

5.2.2. **Agricultural and sustainable land use**

- The NPF sees agricultural land use as one the country's' greatest assets and deemed to facilitate development of rural economy in a manner consistent with national climate objective through supporting as sustainable and economically efficient agricultural and food sector ... while maintaining biodiversity and the natural landscape (NPO30)
- While also emphasising the need for sustainable land management and resource efficiency... 'Ireland has experienced a relatively high rate of land use change since the early 1990s. Recent population growth has led to an increase in the extent of dispersed residential and commercial development and new infrastructure, which have resulted in pressure on agricultural land, designated nature conservation areas and water quality. In catering for an additional one million people and a move towards renewable energy sources, increased demand for land is likely to include the identification of suitable locations for renewable energy and associated grid connections, bioenergy supply, waste management, agricultural food production, forestry, and other land services alongside the need to consolidate our existing cities, towns, and villages with the building of more houses, schools, industry, and other facilities while protecting the cultural heritage significance of the historic built environment and cultural landscapes and the conservation and restoration of nature. Competition for land resources needs careful management and the nature and rate of

land use change indicates where future environmental pressures are likely to arise.'

5.3. **Other relevant national policy, guidelines and official publications**

- 5.3.1. Sustainable Rural Housing Guidelines (2005)
- 5.3.2. Environmental Protection Agency Code of Practice, Domestic Waste Water Treatment Systems, 2021.
- 5.3.3. EPA publication Domestic Wastewater Treatment System Inspections Reports (2024)

5.4. **Natural Heritage Designations**

The closest significant designated sites are:

- Glendine Wood SAC (Site Code 002324 - 3.3km to west)
- Mid-Waterford Coast SPA (Site Code 004193) is c 2km south east
- The Licky Fresh Water Pearl Mussel Catchment Area is 10.5km to the south west.

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 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.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The mains points in the appeal made by the agent for the applicant are that:

- The access road is not heavily used as evident by the grass and there are no signs of agricultural traffic.
- The access road provides verges and passing bays at entrances and it is proposed to enhance safety so that there will be 6 passing areas in total along a 600m distance and this is welcomed by the Roads Department.
- The junction with the local road network will be improved to the satisfaction of the Roads Department. Drawings JM/CD/DWG2 shows achievement of sightlines.
- The applicant is considered to have exceptional circumstances being a native of the area and lack of available sites and this should be assessed on its own merits.
- All road improvements would be completed in order to comply with mortgage requirements.

Attachments:

- Photographs attached illustrate alignment of access road and sightlines.
- Minutes of meeting (10/5/2025) of applicant/family with the Roads Engineer of WCC, Cllr Geoghan which record discussion on sightlines, Passing Bays and road surface.

7.2. **Planning Authority Response**

- No further comments

7.3. **Observations**

- None

8.0 **AA Screening**

- 8.1. I have considered the proposed development of a dwelling and associated site works in light of the requirements S177U of the Planning and Development Act

2000 as amended. The closest Natura 2000 sites are Mid-Waterford Coast SPA (Site Code 004193) and Glendine Wood SAC (Site Code 002324)

- 8.2. The proposed development comprises the construction of house, a garage, a waste water treatment system with all associated site works.
- 8.3. 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 any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required (refer to Appendix 3). This determination is based on:
- The nature and scale of the works
 - Location-distance from nearest European site and lack of direct connections between the application site and the SAC/SPA
 - Taking into account screening determination by the PA.

9.0 Water Framework Directive

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

10.0 Assessment

10.1. Issues

10.1.1. This is an appeal against the decision to refuse permission based on reasons relating to road safety. Having visited the site and environs and reviewed the documentation on file and the planning history, I consider other matters are also pertinent in a de novo consideration. Accordingly, while the main appeal issue relates to traffic safety there are also issues relating to public health, visual impact and housing need and overall adherence to sustainable land-use development.

10.2. Traffic Safety

10.2.1. The reason for refusal is based on the generation of traffic on a substandard road network notwithstanding the provision of passing bays. It is quite evident that the boreen is substandard in both its horizontal and vertical alignment. It is extremely narrow at 3 -3.5m width with restricted visibility. The surface is of old gravel and with a raised grass mound along the centre. It principally serves the farmed lands and horticultural activities and 2 dwellings as evident along the boreen. While I note the appellant states that there is no agricultural traffic, there would be I consider a likely conflict of established farming traffic with increased domestic vehicle movements generated by the dwelling and by the precedence permission would set for additional such traffic.

10.2.2. While the passing bays improve the opportunities to pass, the boreen is removed from the main traffic routes and is reliant on a network of tertiary roads with restricted visibility in places. This is apparent at both of the junctions of the boreen with the local road network. The applicant proposes to improve visibility by setting back the hedgerow to the north of the western junction. This will improve visibility but does not address the southern side and sightlines for north bound exiting traffic. I refer to the Area Engineer's comment that while the entrance sightlines are compliant with CPD requirements and achievable, the junction sightlines from the private boreen are however limited in both directions and do not comply with CPD requirements for road junctions (55m from a 2.4m setback). I also note that the other boreen junction was not

assessed but noted to be limited. The appended drawings in the appeal indicate 55m sightlines at the south eastern junction beside the farm and where there is an old building creating a somewhat narrow junction and obscuring views. I would query the 2.4m setback and therefore achievement of sightlines. Moreover, the boreen realignment does not address the wider road network on which the applicant will be reliant for reaching family (c.7km away) via roads to the southwest, the school outside Ballinroad and employment in addition to other services and amenities. The applicant will be highly reliant on vehicular access for daily life and while I note the reference to walking to school, it is over 3km away along this road network which lacks footpaths. I note the applicant refers to only using the western junction of the boreen which has better visibility; however, I would question the feasibility of enforcing this use. Using the western junction increases the distance into Ballinroad and Dungarvan and the coastal area. It is likely that the eastern junction which I consider very restricted and in the vicinity of more entrances, is also likely to be used. During my inspection, for example, my satellite navigation system brought my car via the eastern junction to the site from Dungarvan. It is difficult to see how public access could be prohibited or even meaningfully restricted without impacting on the accesses at this end. I would also query the extent of hedgerow removal for two 10m x 3m bays and for junctions for the nature of development proposed.

10.2.3. I note the previous refusal for permission on appeal (PL24.223522) was based on the road network serving the area and endangerment of public safety by reason of traffic hazard and I see no change in circumstances to warrant a change in this position.

10.2.4. In view of the foregoing, I consider the decision of the planning authority should be upheld in this regard and permission should be refused on this basis.

10.3. **Visual Impact**

10.3.1. While the site location is generally in a wider landscape classification of low sensitivity in the CDP Maps, the site context is in an upland area and on the brow of a hill with expansive sea views over the sensitive Coastal area as designated in the Landscape Character Assessment in the Appendices of the

CDP. This area includes Clonea Beach. Accordingly, I consider the provision of the Objective L02 to apply which seeks to protect the landscape and scenic value of an area and that proposal is not unduly intrusive in upland or coastal areas.

- 10.3.2. The proposed dwelling is positioned at the higher ground level (c 124mOD) towards the back of the site as is depicted in the site section A-A drawing and this limits opportunity for any meaningful backdrop or screening afforded by the hedgerow along the site frontage. I note the Statement of Design from the architect which explains the reference to traditional rural building form and the use of narrow block plans while working with contours of the site to reduce overall massing and enhancing rural character of the area. While I accept that the design is highly rationalised and minimises the massing and visual impact, it will nevertheless be a prominent feature in the immediate and wider landscape given the site elevation. It will also bridge the extant neighbouring dwelling structures and in this way contribute to the building mass in this elevated area.
- 10.3.3. In the previous appeal case before the board, I note a reason for refusal was based on the visual obtrusiveness at this elevated location between two dwellings at that time. I see no substantive change in circumstances to warrant a change in this position. I further note that the planning authority more recently has previously refused permission on similar grounds for a house on a lower level (c 112.5mOD) along this ridge to the south east. The area is evidently under significant pressure for development and I consider that permission for the proposed development by itself and the precedent it would set for further development would adversely impact on the landscape character contrary to the objective L02 Protecting our Landscape and Seascapes which states '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'.

10.3.4. While the Commission may consider this matter constitutes a new issue, I note that this matter has been raised in the planning report and in the planning history for the site and am therefore of the opinion that this this does not constitute a new issue. Accordingly, I consider permission should be refused on grounds of visual impact.

10.4. **Public Health**

10.4.1. While the senior executive planner report expressed the view that public health was not an issue, I would have number of reservations about this conclusion based on the Water Services written report for the planning authority and concerns expressed therein and also having regard to the planning history, site characteristics and pattern of development.

10.4.2. One of the key messages in the EPA Code of Practice (COP) for domestic waste water treatment systems is the importance of proper site assessment taking account of not only local conditions specific to the proposed site but also receptors at risk and wider experience in the area, patterns of development, provisions of the relevant development plan and other policies as well as the need for design of DWWTs specific to the local conditions.

10.4.3. In this case, the site is underlain by a locally important aquifer and is characterised as having extreme vulnerability. This requires an R2¹ groundwater response. The submitted form identifies that the site seems suitable for discharge to ground but groundwater is at risk. The R2¹ groundwater response is acceptable subject to normal good practice and taking care of nearby domestic water supplies. The site is identified in the application details as being constrained by shallow bedrock and separation to nearby wells and that a proposed well may be difficult to maintain, accordingly a tertiary treatment system is proposed. The soil depth is approx. 2.1m. I note however that the Site Suitability Form refers to raised bedrock and does not include a site-specific site layout for the percolation area. During my inspection there was no trial hole open in the vicinity of (e.g. that could be described as 'adjacent to') the proposed percolation area to evaluate the relevant subsoil depth. Given the requirement for a R2¹ groundwater protection Response which is applied to areas with site characteristics typically indicating a moderate risk

of pollution and requiring a strict adherence to standard good practice to prevent contamination of wells, I consider a precautionary approach is appropriate.

- 10.4.4. In this case there is a borewell 60m downgradient in addition to those likely to be providing water to the farmland and horticultural use and houses to the south east and therefore in the likely pathway of the groundwater flow given the topography.
- 10.4.5. The report of the Water Services Division recommends that permission be refused as the development would be prejudicial to public health on the basis that it gives rises to an excessive concentration of bore wells in the area. It states that: 'Notwithstanding that the WWTS complies with EPA COP, the concentration of 3 borewells within 90m radius would be prohibitive for development in the absence of a public water supply.' On my examination of the site layout, the proposed well would be 60m from the neighbouring borewell to the southeast and would be less than 60m southeast of what would appear to the percolation area of the property to the northwest. – its borehole well, being at a distance of c.97m from the proposed well. I would therefore query the 90m radius reference. I note in particular that the site layout shows the percolation area to be within 60m of the neighbour's well down gradient.
- 10.4.6. I consider there is basis to have concerns about the risk of contamination given the proximity of wells and percolation areas in the context of the underlying soil, bedrock and aquifer and its capacity without creating undesired effects such as drawing in contaminants from existing or proposed waste treatment systems and the need for strict adherence to standards. I say this having regard to the risk of contamination based on a 50% failure rate of domestic wastewater treatment system in Waterford as reported by the EPA in the EPA publication, Domestic Wastewater Treatment System Inspections Reports (2024.) Wastewater treatment systems had 50% failure rate as set out in TABLE 1: Inspection findings by local authority area. This represents a risk to people's health and the environment. The site at 0.2 hectares (0.49 acres) further constrains the provision of providing alternative solutions. On balance, I consider the underlying site characteristics, its size and pattern of development support a case for lower well density in the area to prevent over abstraction and

potential contamination crossover for existing users and future occupants in the locality. While I note the Senior Executive Planner report reference to being generally in compliance with the COP, I am not satisfied that there is sufficient evidence to override the initial written recommendation of the Water Service's Division. Furthermore, I consider the concerns in this regard to underline the importance of directing housing development into serviced areas where public infrastructure such as public water supply can be more readily and economically provided and whereby agricultural/ horticultural land uses in agricultural zoned land in the area can be protected for future generations. This is consistent with the NPF emphasis on the need for sustainable land management and resource efficiency in the context of dispersed settlement pressures as part of sustainable development and in its support for the agricultural sector as expressed in NPO 30.

10.4.7. While the Commission may consider this matter of public health constitutes a new issue, I note that this matter has been raised in the planning report as a matter of concern and in the planning history and I am therefore of the opinion that this this does not constitute a new issue. Accordingly, I consider permission should be refused on grounds of risk to public health.

10.5. **Housing Need**

10.5.1. In this case the applicant is from the sensitive landscape coastal area in Ballynacourty and in what is described by the applicant as a green belt area and makes the case of needing a house in the proposed rural location to support the family who are stated to live c.4.5km from the site in Ballynacourty as mapped in the submitted details. However, I note that from the road maps (e.g. google maps) that this area is c. 7.2km via the northern junction of the boreen.

10.5.2. I note Ballinroad is a development area to the east of Dungarvan town and is very near the route from the proposed house site to the family home/parents. This serviced area is less than 4km and it is also closer to the Garranbane national school at a distance of c.1.2km in which the applicant's child is enrolled, whereas the proposed dwelling is over 3km from the same school which I would not describe it as walking distance. In the context of a rural area

under significant pressure for development, and the need for managing the growth of such rural areas that are classed as 'under strong urban influence' and the need to avoid over-development, (Policy Objective H24) together with the need for viability of rural towns and villages (Policy Objective H28), I do not consider the applicant has a demonstrable housing need for this location in view of the distance to the family home and intervening serviced areas which could better cater for any caring needs and access to schools and services. Nor does the applicant appear to have a demonstrable employment need for this area such as a land-based activity. Accordingly, I do not agree with appeal grounds that the applicant is bound by exceptional circumstances for a dwelling at the location proposed.

10.5.3. In view of the core strategy as set out in the development plan and provision for housing in Ballinroad and the opportunities for providing for public infrastructure, I consider permission for provision for one off housing of this nature would set an undesirable precedent that would militate against sustainable land use and resource management. I refer in this regard to the NPF statements about competing pressures on agricultural land and also the CDP overall aims to cater for the needs of the whole population while protecting valued assets and resources including biodiversity and the natural environment. From this standpoint, it is of concern that permission may support the uneconomic provision of services and in this regard, I refer to the road network which is poorly aligned and restricted in capacity. I note the documentation refers to the possibility of a financial grant to upgrade the road. Such funds may be diverted from more economic provision of services in planned development areas. The alternative of making such road investment viable may serve to support more random rural development and a suburbanisation of the breen and countryside contrary to the overall aims of settlement strategy and sustainable land use at county and national level.

10.5.4. While I note that principle of need was raised in the planning history for the site and constituted grounds for refusal, I note that the planning authority did not raise qualification of housing need as a substantive issue, although reference is made in the planning report to the extremely limited capacity of the breen and the possibility of permission in only exceptional circumstances such as a

land based need. The appellant in overcoming the traffic reason for refusal states exceptional circumstances based on social based local housing need. In view of the planning authority considerations, the Commission may consider the issue of housing need to constitute a new issue. As the issue of housing need has been raised albeit in the context of traffic, I consider it reasonable to include housing need as grounds for refusal.

11.0 Recommendation

11.1. I recommend that permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

- 1) Having regard to the road network serving the area which is substandard in terms of width and alignment, it is considered that the additional traffic generated by the proposed development would endanger public safety by reason of traffic hazard.

- 2) The site is located in an elevated and exposed location on an upland ridge in an attractive landscape. The proposed development would constitute an obtrusive feature in the landscape which would seriously injure the amenities of the area and detract from its rural character. The proposed development would, therefore, be contrary to policy objective L02 of the Waterford and County Development plan 2022-2028 which seeks to '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 proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- 3) Having regard to the size of the site, the pattern of development in the vicinity all served by waste water treatment systems and bored wells, it is considered that the proposed development would result in an excessive concentration of development served by waste water treatment systems. The proposed development would, therefore, be prejudicial to public health.

- 4) Having regard to the location of the site within a rural area under strong urban influence, as identified in the Waterford City and County Development Plan 2023-2029, where housing is restricted to persons with a demonstrable need to live in this rural location and where there are closer serviced lands to meet the stated social needs and also having regard to the need to support the viability of such zoned lands, it is considered that based on the stated needs that the applicant does not have a demonstrable housing need . The proposed development would accordingly contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. 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.”

Suzanne Kehely
Senior Planning Inspector

16th April 2026

Appendix 1 - Form 1- EIA Pre-Screening

An Bord Pleanála Case Reference	PL-500571-DR-25		
Proposed Development Summary	Single dwelling and garage in countryside, wastewater treatment plant and site works on a site of c. 0.2hectares.		
Development Address	Glen Clonea, Dungarvan, Co. Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		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)(i) 'Construction of more than 500 dwellings units'	Proceed to Q3.
	X		
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		One dwelling is significantly below the 500 dwelling threshold.	Preliminary examination required(Form 2)
	X		
5. Has Schedule 7A information been submitted?			
Yes			Screening Determination required
No	X		Screening determination remains as above (Q1 to Q4)

Inspector: _____

Date: _____

Appendix 2 - EIA Preliminary Examination – Form 2

<p>An Bord Pleanála Case Reference</p>	<p>PL-500571-DR-25</p>
<p>Proposed Development</p>	<p>Single dwelling and garage in countryside, wastewater treatment plant and site works on a site of c. 0.2hectares.</p>
<p>Development Address</p>	<p>Glen Clonea , Dungarvan , Co. Waterford</p>
<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 (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>The proposed development construction of a single dwelling. It is outside the development area and is unserviced in terms of public water supply or wastewater connection/treat. The development relies on a wastewater treatment which may have localised issued subject to eh standard of percolation and proximity to a private well but would otherwise not result in the production of significant waste, emissions, or pollutants. Any construction impacts would be local and temporary in nature, The site is not at risk of flooding. There are no SEVESO/COMAH sites in the vicinity of this location. The site coverage represents a moderate intensification of building footprint but may be visible I the upland context. It does not involve the use of substantial natural resources by itself to give rise to significant risk of pollution or nuisance. The development, in overall terms, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is it vulnerable to climate change. The proposal presents no likely risks to</p>

	<p>a public water supply but may have localised adverse impact on residential amenity as addressed in the planning assessment</p>	
<p>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).</p>	<p>The site is not located within a designated protection area for a natural landscape, habitat or any species. It is an area generally of sensitivity although in a scenic upland area.</p> <p>There are no archaeological sites on this site.</p> <p>The development will have not access to public infrastructure and a soak pit is proposed for run-off in a low site coverage development.</p> <p>The site is served by a local tertiary road network and is about 3km from the nearest urban area. There are traffic safety concerns related to the principle of housing development in this un-serviced rural area under pressure which is addressed under planning assessment</p> <p>Vehicular traffic impact by itself would be limited but would nevertheless pose a traffic safety issue but not of a magnitude that would trigger a need for an EIA.</p>	
<p>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).</p>	<p>The proposed development involves removal of hedgerows along the road which would have a localised change in the local landscape but not at a scale to trigger a need for EIA. The main impact is from building construction at a height in an upland area as raised and addressed in the planning assessment.</p> <p>Having regard to the nature of the proposed development, its location relative to sensitive habitats/features, likely limited spatial extent of effects, considerations in the planning assessment, there is otherwise no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>	
<p>Conclusion</p>		
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>	<p>Yes or No</p>

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

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Construction of house, a garage, a waste water treatment system with all associated site works
Brief description of development site characteristics and potential impact mechanisms	The appeal site, of 0.2 ha is located in open countryside in predominantly agricultural use and is immediately adjoined by single dwellings on each side. Site boundaries comprise hedgerows. See section 1.0 of this report.
Screening report	N
Natura Impact Statement	N
Relevant submissions	None

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

European Site (code)	Qualifying interests¹ conservation objectives in NPWS website.	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Mid-Waterford Coast	Cormorant (Phalacrocorax carbo)	c. 2km south east	None. There is no identifiable pathway	N

SPA (Site Code 004193)	Peregrine (Falco peregrinus) Herring Gull (Larus argentatus) Chough (Pyrrhocorax pyrrhocorax)		between the proposed development and any European Site. Water supply is from a private well, waste water treatment is proposed via on site waste water treatment system and surface water will be drained by on site soakaway.	
Glendine Wood SAC (Site Code 002324)	Vandenboschia speciosa (Killarney Fern)	c.3.3km to west	None. There is no identifiable pathway between the proposed development and any European Site. Water supply is from a private well, waste water treatment is proposed via on site waste water treatment system and while localised concerns impact of wells it is at a considerable distance and surface	N

			water will be drained by on site soakaway.	
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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

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

I conclude that the proposed development (alone) would not result in likely significant effects on Mid-Waterford Coast SPA (Site Code 004193) and Glendine Wood SAC (Site Code 002324). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

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 any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the works
- Location-distance from nearest European site and lack of direct connections between the application site and the SAC/SPA
- Taking into account screening determination by the PA.

Appendix 4

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<p>An Bord Pleanála ref.</p>	<p>PL-500439-DR-25</p>	<p>Address</p>	<p>Glen Clonea , Dungarvan , Co. Waterford</p>
<p>Description of project</p>		<p>Single dwelling and garage in countryside, wastewater treatment plant, soakway and site works on a site of c. 0.2hectares.</p>	
<p>Brief site description, relevant to WFD Screening</p>		<p>The site has an area of 0.24 hectares and is located on agricultural land in the open countryside approximately 670m southeast of The Dalligan river on the far side of the hill. The site falls in the direction of the Coast into Dungarvan Harbour. C. 18km to the south The Cushcam River 1.7km to the southwest The pattern of development in the area comprises agricultural/ horticultural uses and a house and well on each side and a cluster of farm yard and houses to the south. There are no drainage ditches apparent in the appeal site. The site is generally flat rising toward the hill top to the north. The Site Suitability indicates ground water at risk and subsoil to depth of 2.1m where rock is present. The trial hole was excavated to a depth of 2.1m where bedrock was discovered and water was not encountered. The area is identified as a having bedrock at or close to surface.</p>	

Proposed surface water details	Propose soakway system					
Water supply	Private borehole well					
Proposed wastewater treatment system & available capacity, other issues	The Site Suitability indicates ground water at risk and subsoil to depth of 2.1m where rock is present. The trial hole was excavated to a depth of 2.1m where bedrock was discovered and water was not encountered. The area is identified as a having bedrock at or close to surface. Due to what is considered to be a constrained site a tertiary treatment (polishing filter) is proposed. Separations distances in EPA COP are generally met.					
Other matters	Water Services has concerns about density of wells and risk to public health as addressed in appeal assessment on the planning issue of public health.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on that water body	Pathway linkage to water feature
Groundwater	Underlying site	Kilrion IE_SE_G _085	Good	Not at risk	-	Yes – percolation as site is underlain by GWB

River	c. 670m to north of site	DALLIG AN_010 IE_SE_1 7D01030 0	High	Not at risk	-	no	
Coastal	c. 1.8km down-gradient	Dungarva n Harbour IE_SE_1 40_0000	Good	Not at risk	-	No due to distance - indirectly hydrologically connected to Coastal waterbody via groundwater	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' /'uncertain' Stage2.

1.	<u>Surface water run-off Earthworks and seepage to Ground water</u>	Kilrion IE_SE_G_08 5	Dissipates though soil /gravel on site of .2 ha	hydrocarbon spillages Through facture bedrock	Standard construction practice	No	Screened Out
.	<u>As above</u>	Dungarvan Harbour IE_SE_140_0 000	limited		No groundwater encountered.	No	Screened Out
OPERATIONAL PHASE							
1	<u>Surface water run-off seepage to Ground water</u>	Kilrion IE_SE_G_08 5	Soakway constructed in accordance with good practice	Siltation, hydrocarbon spillages, siltation, ph concrete	Standard maintenance on 0.2 ha site with extensive soft surface to absorb and dissipate run-off	No	Screened Out

			Via the WWTP which discharges to this surface water		WWTP to comply within its discharge license.	No	Screened out
2	<u>WWTP</u>	Kilrion IE_SE_G_08 5	The pathway is through soil and fissured bedrock if unfiltered .	Nitrates and effluent contaminants	WWTP with tertiary system constructed to EPA COP	No	Screened Out
DECOMMISSIONING PHASE							
N/A							