



Development	Construction of a storey and a half dwelling house.
Location	Tournore, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560795
Applicant(s)	Emer and Frank Lyons
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Jerry and Jackie Collins Tournore Park Residents Association Louise and Shane Briggs
Observer(s)	None
Date of Site Inspection	7 th April 2026
Inspector	Suzanne Kehely

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	4
3.0	Planning Authority.....	5
4.0	Planning History.....	7
5.0	Policy Context.....	8
6.0	EIA Screening.....	9
7.0	The Appeal	9
8.0	Assessment	12
9.0	AA Screening.....	17
10.0	Water Framework Directive.....	17
11.0	Recommendation.....	18
12.0	Reasons and Considerations	18
13.0	Conditions.....	18
	Appendix 1: Form 1 EIA Pre-Screening	24
	Appendix 2: Form 2 - EIA Preliminary Examination	26

1.0 Site Location and Description

- 1.1. The site relates to part of a large back garden associated with a detached house on its own grounds located in the northeastern periphery of Dungarvan Town. It has a stated area c. 0.130 hectares in the application form which I take to be acres by reference to the cover letter and drawings. The site, scaling from the drawings wherein the dimensions are given at 13.76m to 23.74m for width range and a depth of 28.67m, I estimate to have an area of c.537 sq.m. excluding the external open space (between the kerbside and existing boundary wall.)
- 1.2. The existing house site is located at a busy junction at the corner of the N25 and local road L3168. The existing vehicular access is off the N25 and house backs onto a suburban housing development Tournore Park with a row of houses backing onto the southern boundary of the dwelling and a separate cul-de-sac of 4 houses (nos.80-83) bounds the site on its eastern side. The gable end of no.83 and its side garden adjoin part of the eastern boundary whereas the remainder of lands bounding the site in Tournore Park comprise an open green space between nos. 80-83 and the L3168.
- 1.3. This short cul-de sac along the eastern side is referred to erroneously as Tournore Court in the application, whereas, in fact the entire estate road network is named Tournore Park.
- 1.4. The existing house is a 1970s gable fronted house with a shed to the side which is screened within the garden by block walling and planting. It has a large wide rear garden extending almost 30m deep and up to 54m at its widest. The rear garden part of which relates to subject site feature mature planting with dense boundaries around an expansive grass lawn.
- 1.5. The L3168, where it fronts the existing dwelling, is restricted in alignment in that there is a continuous white centre line and no footpath along the site frontage. A stone wall continues along the existing open space road frontage and there is reference in the documentation to restricted visibility. There is a footpath on the opposite side of the

site and a pelican crossing from Tournore Park to the east of its junction with the L3168.

2.0 Proposed Development

- **New detached dwelling** – one and half storey 3 bed house and total floor area of 138.7sqm. with an overall height of 6.8m
- **A new vehicular entrance** is proposed at the end of a cul-de-sac spur for four houses as a part of the Tournore Pak development. The vehicular driveway extends from the kerbside and across open space over a depth of c.10-13m due to the curved alignment. It has a width of 4.5m and widens to 7.2m to provide a splayed entrance and 30m sightlines
- **The site layout** positions the house in the centred of the site and retains mature boundaries with setbacks of the house in the order of:
 - 5m from the boundary onto the L3168 along which the boundary treatment is to be maintained
 - 6-9m from the north boundary where it backs on to the existing shed in the side garden.
 - 2.5m-7.6m from the new southern boundary where it is to backs onto the existing back garden between - a new 1.8m boundary post and panel fence is proposed with fast growing planting.
 - 7–8.5m from the east boundary where it fronts onto Tournore Park
- **The open space land over which access is proposed** is stated to continue to be within Waterford County Council Ownership and is part of the site as outlined in red.

Attachments

- Confirmation of feasibility of connection from Uisce Eireann.
- Letters of consent to make application from:
 - lands owners (who are parents) of house site to the applicant and
 - the applicant to the agent to make the application and

- consent from Waterford County Council Property Management Department who state that the adjacent the subject lands are subject of a title acquisition by the Council. Consent is for the application not commencement of works.
- Certificate of exemption application under section 96 of the PDA 2000.

3.0 Planning Authority

3.1. Decision

3.1.1. By Order, dated the 13th January 2026, the planning authority issued notification of its decision to grant permission subject to 10 Conditions.

3.1.2. Bespoke conditions relate to:

- the **vehicular entrance** and its interface with the estate road and footpath and contained in Condition 2(a)- (f),
 - (a) Entrance to be constructed so that surface water is not allowed to flow onto the public roadway or interfere with existing roadside drainage.
 - (b) Any interference with or damage to the public footpath, road or Open Space area caused during the construction of the development shall be made good by the developer to the satisfaction of the District Engineer.
 - (c) The entrance between the edge of the roadway and the eastern boundary wall shall be reasonably flat and level with the public road. The surface dressing and kerbing for this area shall be agreed with the District Engineer and a copy of all agreements shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.
 - (d) Prior to the commencement of development a letter of agreement, signed by the Area Engineer shall be submitted to, and agreed in writing with, the Planning Authority indicating compliance with conditions (a), (b) (c) above.
 - (e) Any entrance gates shall be constructed at the location of the eastern boundary wall and shall have inward opening gates only.
 - (f) The existing finished road levels shall not be raised or lowered to facilitate the development permitted herein without the prior consultation of the District Engineer and the subsequent written agreement of the Planning Authority.

- **boundary alteration** along the L3168 and other boundary details as contained in condition 5.
 - Condition 6 requires **SuDS** details.
 - The financial condition is specified at **€3911**.
- and other conditions are of a standard nature

3.2. Planning Authority Reports

3.2.1. Planning Reports

- While the restricted site size and open space for the proposed house are noted the provision of space for a house that is noted to be modest in scale, meets with the County Development Plan development management standards. It compares favourably with the previously refused proposed house in terms of increase in setback from the L3168 (from 3m) and this is not considered to compromise future road work improvements and therefore does not constitute haphazard development.
- An entrance is not considered to undermine the integrity of the open space over which it traverses. The Property Management Department of WCC is noted to be in the process of acquiring title of the open space lands and it is also noted that this department raised objections to the proposed development.
- The alternative use of the N25 is not acceptable on traffic safety grounds.
- Detail of boundary treatment along the Local Road can be subject of agreement

3.2.2. Other Technical Reports

District Engineer – (08/01/2026) NO objection subject to conditions:

- Kerb line for proposed entrance to match that existing in estate.
- Footpath to continue from No.83 to site boundary – details to be agreed with District Engineer.
- Green area to be reinstated to existing standards, any damage to estate road during construction to be made good by developer.

- Trees on public road to be removed.

A/Director of Services Roads (Email) of 10th October 2025:

- No objection to proposed access via Tournore Estate.
- Minimum 5m setback to be maintained from public road.

Active Travel advised that the emerging preferred option for the N25 Burgery Dungarvan Active Travel Scheme shows the N25/L31568 junction as closed to vehicular traffic and effectively pedestrianised. Therefore, the proposal as shown should not have any impact on the N25 Burgery Dungarvan Active Travel Scheme.

3.3. **Prescribed Bodies**

No referrals

3.4. **Third Party Observations**

Objections primarily relate to loss and impact on open space by reason of the proposed vehicular entrance. Concerns relate to matters of quality of amenity space, traffic safety having regard to being a play area, and also loss of and interference with car parking. The legality of the proposal in terms of ownership and extant permission is questioned as is the process with particular reference to the change in approach from the previous refusal on the matter of the entrance through open space and haphazard nature. These issues are reiterated in detail in the grounds of appeal.

4.0 **Planning History**

- 4.1. PA ref 24/60016 refers to refusal of outline permission for single storey dwelling on the site on grounds of traffic safety. This house was some 3m from the Local Road L3168 to the north and used the existing N25 access.
- 4.2. PA ref 25/60261 refers to refusal of permission for a storey and half dwelling and revision of boundaries. This house was 2m from the L3168 and garden depth to the rear was 3.1m to 5m approx. The access was 4m wide.

5.0 Policy Context

5.1. Development Plan

The proposed house site is within the 'Existing Residential' zone where it is an objective to provide for residential development and protect and improve residential amenity.

The vehicular access is located through the amenity space that is zoned 'Open Space and Recreation' where it is an objective to preserve and provide for open space and recreational amenities.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- 5.2.1. Project Ireland 2040- National Planning Framework (1st Rev April 2025): Part of the vision of the NPF is for more compact and sustainable development involving a greater proportion of residential within the existing built-up footprints of our cities and towns. This is achieved through managing growth by directing significant amounts of new housing into existing built-up areas of cities, towns and villages and doing this particularly through infill. Policy Objective 45 seeks to Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.
- 5.2.2. Compact Settlement Guidelines for Planning Authorities (CSGs). These guidelines support medium density 'own door' housing models in Ireland, alongside traditional housing and apartment developments. This is aligned to NPF priorities for compact growth. The SPPR 1 reduces separation distance between opposing 1st floor windows to 16m. SPPR 2 sets minimum open space at 30sq.m. for 3 bed houses with provision for relaxing such standards on urban infill schemes on smaller sites and proximity to open space.
- 5.2.3. Transport Infrastructure Ireland 'Spatial Planning and National Roads Guidelines for Planning authorities 2012'. Section 2.5 sets out required development plan policy on access to national roads and states plans must implement policy whereby: "The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This

provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.” Section 2.6 provides for exceptional circumstances such as being of national or regional importance and includes implications for safety and that transport and settlement patterns mutually support each other. Value for money considerations also apply. Chapter 3 refers to development management and applications on national roads.

5.3. Natural Heritage Designations

The site is 2.28km Southwest of the Glendine Wood SAC Special Area of Conservation (Site Code: 002324) and 0.62km Northwest of the Dungarvan Harbour SPA Special Protection Area (Site Code: 004032).

The site is also 6.36km North of the Licky Fresh Water Pearl Mussel Catchment Area, 0.58km West of the DUCKSPOOL Wetlands Area and 885.29m East of the Colligan River.

6.0 EIA Screening

- 6.1.1. 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

- 7.1.1. There are three separate appeals lodged against the decision to grant permission. These are all from residents within Tournore Park and include two parties that live along the subject cul-de-sac and also a representative of Tournore Park Resident Association countersigned by almost 100 residents who all seek a refusal of

permission primarily by reason of the proposed vehicular access. The grounds can be summarised as

- Conflict in principle with developing a private vehicular access within Open Space (OS) zoning. A substantial area is to be used for private vehicular use in an actively used open space.
- Conflict with parent permission in terms of layout of communal OS and provision of a turning area with no accesses.
- Does not address previous refusal in terms of undesirable precedent particularly in that it is an even larger access than previous and does not serve the existing community.
- Increase in scale of development than previously.
- The OS is a valued amenity space by virtue of its quiet and safe low traffic environment and is managed by residents who have serious concerns about impact on amenity.
- Vehicular access poses risk to child safety - Loss of a safe area that is removed from traffic.
- Loss of planting area and opportunity to enhance biodiversity.
- The planning authority judgement that there is ample OS is asserted and not demonstrated.
- Conflict with CDP chapter 7 regarding protecting of residential amenities and character in more established areas. Conflicts with the objective to protect recreational areas and resist loss of such facilities.
- Loss of on-street car parking, generation of additional parking and obstruction of utility vehicle. e.g. using turning area if visitor parking on street.
- Existing access could serve proposal as an alternative particularly if cycling and walking and if the junction at the N25 is to be closed and pedestrianised.
- Concern about intensification of the existing estate entrance where sightlines are restricted.
- Concern of rental use of dwelling.
- Concern about on-going maintenance of access and liability.
- Clarity of address as Park not Court.

- Impartiality of the process is questioned by reference to the fact that the subject access was a suggestion by the planning authority.
- Legal entitlement is in question as the subject OS is not yet in Councils ownership
- Scale of development.
- Precedence for similar development in open space.

Attachments:

- Photographs of road used as play area.
- Copy of Submissions by Residents Association for enhancing Active Travel routes and amenity areas within the estate: The Tournore Estates Permeability Link and Active Travel Scheme Junction and Road Realignment.

7.2. Applicant Response

- Carefully designed house and layout informed by several meetings with planning authority and by the site circumstances and character.
- The concerns raised have been addressed and were fully and fairly considered with the planning authority being satisfied that the arrangement is acceptable in planning and traffic safety terms.
- The access is from an existing public road network and would not be inconsistent with the functioning of the cul-de sac in terms of traffic and pedestrian safety or the layout of the cul-de sac and the additional use would not undermine traffic safety.
- As it relates to a small area that is limited and proportionate in scale, the access does not detract from the use and function of this ample open space area. It relates to the western tip of one of several open spaces within the estate.
- The turning area will not be altered – adequate turning and safe movement for all vehicles (car and utilities) can be maintained.
- The applicant emphasises the family need for and purpose of the dwelling within the grounds of the applicant’s elderly parents’ home.

7.3. Planning Authority Response

- No further comments

8.0 **Assessment**

8.1. **Issues**

8.1.1. This appeal relates to a modest infill housing development in a garden in a serviced area and which backs onto a separate housing estate from which vehicular access is proposed. Having reviewed, submissions on file, the provisions of Waterford City and County Development Plan 2022-2028 and inspected site, I consider the substantive issue relates to the principle of vehicular access and impact on the amenities of Tournore Park primarily by reason of its location through an open space. Other issues relate to traffic safety and standard of residential development

8.2. **Principle of Vehicular Access on Open Space**

8.2.1. There is a fundamental dispute about the principle of permitting a private vehicular access through open space zoning and in lands designated as part of a comprehensive housing development and which I note is subject of active community involvement in terms of shaping the amenity lands into the future. This is evident in the appended illustrated submissions by the Residents Association in their appeal. which I have noted. The appellants all make the case that the extant open space is a valuable intact area that provides a safe enclave for young children to play in a relatively traffic free environment. To lose some 50sq.m. of this space while also introducing additional traffic would it is submitted, seriously injure the residential amenities of the area. The case is also made that encroachment into and severance of the open space would constitute haphazard development as initially determined by the planning authority in its previous assessment. The case is further made that it is unwarranted in view of an extant entrance and alternatives.

8.2.2. In the first instance I would make the point that I consider the general principle of an infill house to be a positive development having regard to the national policy for compact settlement and encouraging new housing within the existing urban footprint.

8.2.3. In terms of access I consider, having regard to the characteristics of the N25 fronting the existing house and notably the steady flow of traffic on this national route into the town and also having regard to TII policy as I have cited, that an alternative entrance rather than intensification of this entrance is preferable from a traffic safety point of view and the planning authority point in this regard is noted and reasonable..

In terms of the use of the local road fronting the site to the north, I note this is restricted in alignment and it is close to the junction with N25. The appellants refer to future realignment and closure of route however this is still at design option which is referred to as a preferred and is not yet definitive. Accordingly in view of National policy on restricting intensification of vehicular access on national primary routes, I consider there is reasonable traffic safety grounds to justify the use of an alternative public access. I further note that the house layout is such that it can accommodate for future alignment which is to the benefit for future traffic planning in the area.

8.2.4. In terms of the loss of open space, I note that the proposed vehicular access is at a point where the open space is narrow and that it is to be maintained by Waterford County Council. I understand that access is to be effectively a right of way through the open space and that it is to remain open in character. It is not, for example, to be gated at the kerb or walled in. It is, in effect, a shared space that is only momentarily used for passing vehicles or pedestrians to a single dwelling. It is akin to the right of way over the public footpath to driveways whereby the freedom of movement is maintained by the public. Marking on it to 'keep clear' would perhaps assist with its management. In terms of layout, I note the driveway is increased from 4 to 4.5m but this provides for curved alignment in keeping with a more organic form and the curved delineation of the open space and this I consider is less jarring than a straight but narrower 3.6m entrance. It also provides for traffic calming which is already a passive design feature of this short roadway. Accordingly, I do not consider the open character or functional use of the wider area to be significantly altered in this case. Nor do I consider its use to unduly interrupt with the green corridor or biodiversity potential in the overall housing development as it matures.

8.2.5. There is concern expressed about the validity of permitting something contrary to the parent permission for the overall estate layout and provision of public open space and cul-de sac turning area, however the Planning Act does not restrict the application for permission to carry out a material variation whereupon the proposed development is subject to de novo consideration on its merits. However, in this case, the cul-de sac layout is not being revised and the open space alteration is minor in nature nor do I consider it to amount to haphazard or disorderly development. Accordingly, I do not consider the development of a short driveway across the narrow

stretch of open space to either visually or functionally unduly conflict with the open space as originally permitted.

Other traffic safety issues

- 8.2.6. The case is made by the residents of the road and the estate at large that this is a valued amenity space by virtue of its quiet and safe low-traffic environment. Photographs are appended illustrating how children play on the road and there is fear of the fundamental change in character by reason of the additional traffic generated by the development though the cul-de-sac and also at the estate entrance where sightlines are limited.
- 8.2.7. I consider the addition of one entrance on an existing cul-de-sac with provision for turning which is not to be altered, to have a negligible impact on traffic volumes or manoeuvres and note that the roads division raises no objections. While the appellants refer to a collective management of the open space, the road is a public road designed to be in charge of the Council and is not a designated playground. Its length also inhibits speeding. The addition of one entrance does not I consider materially alter the use of the road.
- 8.2.8. With respect to the concerns about visitor parking and obstruction of the road together with an anticipated change in its character and loss of visitor spaces for existing residents, I note that the proposed dwelling shows space for 3 off-street car parks spaces with provision for visitor parking and I consider that the impact of such would be negligible.
- 8.2.9. In conclusion, I do not consider the provision of vehicular access from the estate road and traversing a relative narrow stretch of open space will unduly detract from its recreational use and character nor will it detract from the overall residential amenities of the area and does not therefore pose a direct conflict with the development plan land use objectives for the area. I therefore consider the proposed dwelling and access, in principle, to be in accordance with the proper planning development of the area.
- 8.3. Scale of development**
- 8.3.1. The appellants raise the issue of scale in the context of precedent and make reference to overdevelopment on a constrained site. In this case I note the house is

138 sq.m. and is similar to that in the previously refused development (PA ref 25/60261) I note scale was not a reason to refuse permission. I further note that the planning report referred to the adherence to development management starts in terms of open space. In this regard there is provision for private open space on at least 3 sides of the property and the area to the rear alone well exceeds 70sq.m.

- 8.3.2. In terms of reference to haphazard pattern of development and in this regard, I have noted the previous planning appraisal and relationship the L3168 and the increased set back which provide options for realigning this road if required. I also note the relationship with the with existing house on site and that the first-floor window in the façade gable end is oriented over the public open space and public road. Given the oblique angle and set back and separation distances from the north facing façade this window could not be reasonably considered as a source of overlooking. The north facing rooflight over the Road L3168 can not in any manner be source of overlooking. The 3 roof lights in the southern elevation are over a bedroom space may have restricted views but at a window height of c1.8m over floor level, overlooking would be very unlikely. The rooflights over void space cannot be a source of overlooking. I note the hose is set back at least 7 form the boundary with the Open Space and has mature boundary to be substantially retained I am satisfied that the window arrangement and site layout is such that there would be no undue overlooking or injury of visual amenity in the existing house on site or the nearest houses on Tournore Park
- 8.3.3. In the context of perceived overdevelopment, I would also refer to the housing standards in the compact settlement guidelines which allow for denser development by reducing distances for opposing windows and reducing open space. I consider on its merits having regard to both the CDP and CSGs that the proposed detached dwelling within the mature grounds of a detached residence provides for a moderate increase in housing density with an adequate standard of amenity and would not be incongruous with the surrounding development.

8.4. **Other matters**

- 8.4.1. The appellants raise concerns about bias and impartiality of the planning authority by reference to its initial suggestion of the subject vehicular access. I note that the reference is to 'possible' use which indicates that such development was subject to

going through due process. Notwithstanding, the provision of an appeal provides for an impartial appraisal of the proposed development. Impartiality is a corner stone of the appeal process wherein decisions of the planning authority are frequently overturned on review of the submissions and case details.

- 8.4.2. On the issue of the planning authority appearing to take a different approach to the vehicular access, disregarding the setback alterations, I consider in the context of national policy on density, for example in the Compact Settlement Guidelines as reinforced in the National Planning Framework as revised, that this is a reasonable approach.
- 8.4.3. The appellant raised concerns about the precedence of permission for accesses over similar areas in the county and country. Having regard to the particular circumstances of this case which has been reviewed on its own merits, I do not consider this to be reasonable grounds to refuse permission.
- 8.4.4. In terms of procedural matters the applicants refer to the erroneous use of Tournore Court rather than Park which I note is incorrect in the details/drawings. This refers to a separate development further east. I note the public notices do not refer to Court and site notices were displayed on both road frontages which would have been clearly visible to the residents of the cul-de-sac some of which are appellants and or signatories to an appeal. I do not consider the third party rights have been unduly compromised by this reference and am satisfied that the public notices and submitted have substantially met with the requirements of the relevant Planning and Development Regulations.
- 8.4.5. The appellants query the validity of the application due to inadequate legal interest in the public open space. I note the application is accompanied by a letter from the Property Management Department of the County Council which set out the nature of consent. It is explicit that the written consent is for planning application purposes and not for development. In this regard I refer to the limitations of the planning permission within the context of section 34(13) of the Planning Act regarding such matters and described in the Development Management Guidelines (2007). The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. The council has expressly stated its consent and that it is in the process of acquiring legal

title. I consider this this is sufficient for the purposes of this planning application. I therefore do not consider refusal of permission on this basis to be reasonable.

- 8.4.6. There are concerns by the appellant about an intensive residential use, such as for holiday letting, whereas the applicant has confirmed that the house is for a daughter of existing the dwelling house owners so as to reside beside her elderly parents. The letters of consent appear to affirm this. A condition of permission limiting holiday letting could regulate this use so as to restrict potential traffic disruption.
- 8.4.7. I also consider that in view of the traffic safety concerns that detailed measures should be put in place for the construction management phase in the event of permission.
- 8.4.8. Finally, I recommend keeping the bespoke conditions regarding roads and landscaping. I recommend that PA condition 5(a) be incorporated into the PA roads (condition 2) and 5(b) into a slightly modified landscaping condition as per conditions 3 and 7 recommended in section 13..

9.0 **AA Screening**

- 9.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

10.0 **Water Framework Directive**

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that the decision of the planning authority be upheld and that permission is granted for the proposed development based on the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the pattern of development in the immediate vicinity of the subject site and the relatively self-contained nature of the existing dwelling site and the proposed layout and also having regard to the limited scale of the vehicular access across the existing open space and its configuration which is to be maintained by Waterford City and County Council, the Commission is satisfied that the proposed development would deliver a moderate increase in housing density of adequate design that balances the protection of existing residential amenities and does not detract from the character of the area, enjoyment of open space or residential amenities in the surrounding area. Furthermore, the Commission is satisfied that the addition of one entrance would not pose an undue risk to public safety by reason of traffic hazard. The proposed development would therefore, subject conditions hereunder, be consistent with the proper planning and sustainable development of the area

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: in the interest of clarity.

2. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed house(s) shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

Reason: In order to prevent overdevelopment of the site in the interest of residential amenity, and traffic safety and convenience.

3.
 - (a) Entrance to be constructed so that surface water is not allowed to flow onto the public roadway or interfere with existing roadside drainage.
 - (b) Any interference with or damage to the public footpath, road or Open Space area caused during the construction of the development shall be made good by the developer to the satisfaction of the District Engineer.
 - (c) The entrance between the edge of the roadway and the eastern boundary wall shall be reasonably flat and level with the public road. The surface dressing and kerbing for this area shall be agreed with the District Engineer and a copy of all agreements shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.
 - (d) Prior to the commencement of development a letter of agreement, signed by the Area Engineer shall be submitted to, and agreed in writing with, the Planning Authority indicating compliance with conditions (a), (b) (c) above.
 - (e) Any alterations to the existing northern site boundary adjoining L3168 shall be subject to written agreement of the Planning Authority.
 - (f) Any entrance gates shall be constructed at the location of the eastern boundary wall and shall have inward opening gates only.

(g)The existing finished road levels shall not be raised or lowered to facilitate the development permitted herein without the prior consultation of the District Engineer and the subsequent written agreement of the Planning Authority.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason; in the interests of public health and surface water management

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity and to ensure an appropriate high standard of development

6. All service cables associated with the proposed development (such as electrical, telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: in the interests of visual and residential amenity

7. The site shall be landscaped in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall also include the following:

(a) tree removals and plantings

(b) Boundary treatment along southern and western boundaries shall be in accordance with submitted site layout plan. Hedgerow planting shall consist of a mixture of naturalised species. The planting shall be carried out in the first planting season following the completion of the dwelling. When planted the trees shall be adequately protected from damage by animals or wind. Any failures within 5 years shall be replaced and the trees allowed to grow to maturity.

(C)and numbering scheme for the dwelling.

Reason: in the interests of residential and visual amenity, biodiversity and orderly development

8. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Eireann to provide for service connections to the public water supply and wastewater collection network

Reason: in the interest of public health

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound including areas identified for the storage of construction refuse

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings

(d) Details of on-site car parking facilities for site workers during the course of construction

(e) Measures to obviate queuing of construction traffic on the adjoining road network;

(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network

(g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works

(h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels

(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil

(k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

(l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: in the interests of amenities, public health and safety and environmental protection

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by, or on behalf of, the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiun Pleanála to determine the proper application of the terms of the Scheme.
12. Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

14th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500728-WD-26
Proposed Development Summary	Single dwelling in a garden in a serviced urban area
Development Address	Tournore, Dungarvan, Co. Waterford
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No,
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b)(i) 'Construction of more than 500 dwellings units' Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	1 dwelling is significantly below the 500 dwelling threshold. As a side garden site of c.530sq.m. in an serviced urban area surrounded by development, the scale of the development is significantly below the threshold of 10 hectares for built up areas.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500728-WD-26
Proposed Development Summary	Single dwelling in a garden in a serviced urban area
Development Address	Tournore, Dungarvan, Co. Waterford
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<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>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</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 reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in a serviced urban area. The development is removed from sensitive natural habitats, and designated sites and landscapes of identified significance in the County Development Plan.</p>

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p> <p>Include the following paragraph in the Inspectors report.</p> <p>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.</p>

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)