



<b>Development</b>	The infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04).
<b>Location</b>	Ahanaglogh, Kilmacthomas, Co. Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2560436
<b>Applicant</b>	Fennell Machine Hire and Sales Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission + Conditions
<b>Type of Appeal</b>	Third Party Normal Planning Appeal
<b>Appellants</b>	(1) Lindsay and Ger Boland (2) David Connors
<b>Observers</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> April 2026
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area in County Waterford and south of the N25 the Waterford to Dungarvan Road. The N25 adjoins the site to the north. It is very well screened and is elevated above the level of the appeal site by circa 8m. The village of Kilmacthomas is located c. 2.4km to the north-east.
- 1.2. The appeal site comprises two fields and has a stated area of 1.6ha. It is accessed directly from the L3209 local road and is served by an agricultural gated entrance. The site is currently grassed. To the north of the site there is a mature woodland which screens the lands from the N25. There is a stream located along the eastern boundary of the site. It is bounded by mature hedgerows and tress along its' boundaries. The site is relatively low lying with the existing ground levels range from 53.3mAOD at the western boundary of the site to a low point of circa 51.99mAOD at the stream at the eastern boundary.

## 2.0 Proposed Development

- 2.1. The proposed development involves the infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04).
- 2.2. As proposed under the application submitted to the Planning Authority on the 23/06/2025 it is proposed to import 16,292m<sup>3</sup> (24,438 tonnes) of infill material in total.
- 2.3. At further information stage the volume of material proposed to be imported has been revised to 13,188m<sup>3</sup> (19,782 tonnes).
- 2.4. The material will be delivered to the site in tipper trucks, which will deposit the material onto the ground inside the infill area. The total number of loads is estimated at 989 at 20 tonne/truck for the duration of the works, which is estimated to take over 4 months on the basis of 50 loads per week). The existing entrance and internal haul road will be used to provide access to the site. A stationary wheel wash will be provided on site.
- 2.5. An Ecological Impact Assessment (EclA) was submitted at further information stage.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued notification of a Grant of permission for the proposed development on the 20<sup>th</sup> of January 2026 subject to 12 no. conditions.

- Condition no. 2 specifies that the amount of material to be deposited at the site shall be in accordance with details submitted to the Planning Authority on 9th December 2025.
- Condition no. 3 specifies all mitigation and compensatory measures set out in the Ecological Impact Assessment (EclA) submitted to the Planning Authority on 9th December 2025 shall be carried out in full.
- Condition no. 4 specifies that prior to the commencement of the development, the developer shall either; (i) apply for and obtain a reviewed authorisation under the Waste Management (Facility Permit and Registration) Regulations 2007, covering the infilling of the site from the local authority, or (ii) shall carry out the infilling in line with by-product process for soil and stone under article 27 of the European Communities (Waste Directive) Regulations 2011 (as amended), with prior notification to the EPA prior to the acceptance of any soil and stone.
- Condition no. 5 specifies that the entrance to be constructed in accordance with details submitted to the Planning Authority on 9th December 2025.
- Condition No. 6 specifies that the developer shall consult with Inland Fisheries Ireland (IFI) with regard to the preparation of a Method Statement for the piping/culverting of the existing drain at the site.
- Condition No. 7 specifies that the land filling permitted shall be in accordance with the details submitted to the Planning Authority on the 23<sup>rd</sup> of June 2025 and as amended by the additional information submitted on the 9<sup>th</sup> of December 2025. The developer shall maintain a log detailing the date, quantity, type and origin of fill material brought onto the site and make the log available for inspection on the written request of the Planning Authority.

- Condition No. 8 specifies that the developer shall take all precautions necessary to avoid spread of non-native invasive plant species in accordance with Section 49 of The European Communities (Birds and Natural Habitats) Regulations 2011.
- Condition No. 9 specifies that no filling or stockpiling shall take place within 5 metres of any watercourse/drains or 20 metres of any dwelling.
- Condition No. 10 specifies that activities within the site shall be confined between the between 08:00 hours and 17:00 hours, Monday to Friday, excluding public holidays. Saturday activities shall be confined between 08:00 hours and 14:00 hours.
- Condition No. 11 specifies that a field based archaeological impact assessment.
- Condition No. 12. refers to the requirement to pay a financial contribution.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

#### 3.2.2. Further Information was requested in relation to the following matters;

- (1) It appears from the site inspection and review of planning history that fill material has previously been deposited on site without the benefit of planning permission. Please provide full details in relation to the site clearance works, amount of material imported to the site, when the works were undertaken, where the material originated, etc. and also clearly identify what appears to be material deposited on site to the northeast of the site on a revised layout plan and section plans (i.e. material deposited to the west of the existing access from the public road.). Please be advised if material has been deposited on site this will necessitate an application for retention permission of the works undertaken to date and planning permission for the proposed works i.e. it cannot be considered under this application.
- (2) (a) Please submit additional details to fully clarify the duration of fill (years) and the intake (tonnes) per annum proposed in relation to this development. Please also submit a method of fill/phasing proposals for the duration of importation.

Please note that Schedule 5, Part 2, 11(b) of the Planning and Development Regulations 2001 (as amended) provides that an Environmental Impact Assessment will be required for projects including 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes'.

(b) Should the response provided to Point (a) above conclude that a mandatory Environmental Impact Assessment of the proposal is not required, the proposal would therefore be considered a 'sub threshold development', whereby an Environmental Report having regard to criteria as set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) should be submitted in order to assist in the Planning Authority in determining whether the development would or would not have 'Significant Effects on the Environment'. Please therefore submit an Environmental Report prepared by a suitably qualified person to address.

(3) (a) Please submit revised and extended sections through the site to identify relevant features outside the site i.e. public roads, any neighbouring properties, existing hedgerows etc to allow for full assessment.

(b) Please submit additional details in terms of proposed origin of fill material to be imported to the site, haul route proposed to be used for importation of material to the site, number of lorry loads per day/week, etc.

(c) Please submit an assessment of the capacity of the local roads network to absorb the additional traffic and HGV vehicles that would be generated by the proposed development.

(d) It is noted that concerns have been raised regarding possible flooding issues at the site and notwithstanding that the site is not located within a designated flood zone, the developer is therefore requested to submit an engineering report from a suitably qualified person to assess whether there are currently flooding issues at the site and the impact the proposed development may have on any future flooding issues at the site and/or wider area.

(e) Please submit revised plans to clearly demonstrate the extent of roadside boundary required to be removed to achieve the required sightlines and in this regard the developer is advised where hedgerow removal is proposed at third party owned lands then the signed written consent of the third party landowner is

required to be submitted. Proposals for re-instatement of roadside boundary behind the required sightlines shall also be submitted and the developer is advised that all proposed works must be within the red line boundary of the site.

(f) Please submit additional details in relation to existing drains at the entrance to the public road and how surface water is to be addressed to prevent flow onto the public road.

(4) Please submit additional details including revised plans and proposals as appropriate to address the following requirements of the Inland Fisheries Ireland (IFI):

- Of serious concern to IFI is that there appears to be no clear details submitted of the Mahon tributary that borders the site along the Stradbally Road and IFI have been unable to ascertain what is proposed in proximity to this stream.
- IFI requests that an undeveloped buffer zone of a minimum 10m be maintained along this watercourse
- Systems should be put in place to ensure that there shall be no discharge of suspended solids or any other deleterious matter to watercourses during the infill phase and during any landscaping works, even during periods of prolonged heavy rainfall.
- There shall be no removal of trees or other vegetation within the 10m buffer zone between the proposed fill site and this stream.
- There should be no storage of materials within this buffer zone, and IFI request that the area be fenced off to prevent vehicular access while works are underway.
- The activities proposed for this site are likely to result in significant lorry traffic to and from the site, with potential for the generation of significant suspended solids pollution in the road run-off associated with this vehicular traffic. It is imperative that the potential for suspended solids pollution of surface waters from road run-off from vehicles entering and leaving this site is addressed.

- Of concern to IFI is the proposal to pipe a watercourse which transects the site. IFI request further information on this watercourse in terms of the fisheries habitat that it represents.
- Of concern to IFI is the potential for significant inputs of nutrients/deleterious matter to the Mahon tributary and Mahon system from intensive agricultural practices on lands above the culvert in the future and this must be addressed.
- The design and sizing of the surface water drainage system must ensure that no suspended solids enter the neighbouring watercourse, even during periods of prolonged heavy rainfall.
- If silt settlement ponds are proposed for this facility. It is important that they are oversized to cope with all eventualities.
- Concerns regarding wheel wash to prevent soils/clays being deposited on the public road - if not designed/managed properly can represent a significant source of suspended solids pollution to surface waters. The maintenance of this wheel-wash should be addressed & wash water from any wheel wash must be directed to a suitable treatment facility.
- The efficiency of any silt settlement pond depends upon the retention time within the silt pond system and as silt settles out within the pond system the efficiency of the system will diminish. It is important that the silt settlement pond system is oversized to address the issue of silt build up in the ponds over time.
- The issue of silt removal from these will need to be addressed, when and how this will be accomplished without the discharge of deleterious matter to the adjoining watercourse.
- In choosing a site a site for these silt settlement ponds it is important that access to the adjoining watercourse adjacent to the silt ponds is facilitated to allow monitoring of any impacts upon this watercourse.
- The dirty waters generated from the haul road, during times of high rainfall and from waters used for dust suppression during the Summer months should be addressed.

- IFI ask if the haul road is a paved road or is a hard-core/clay road.
- IFI request that all practical steps be taken to minimise dust being generated on this access road.

(5) Submit revised plans and proposals to address the requirements of the Heritage Officer, Waterford City & County Council

- The developer is requested to submit additional details to satisfy issues raised by Inland Fisheries Ireland (IFI) at Item No.4 above and to demonstrate compliance with policy BD15 in the Waterford City and County Development Plan.
- The developer shall liaise with Inland Fisheries Ireland to establish if the proposed piped watercourse provides habitat for fish or aquatic invertebrates and appraise the ecological loss if the drain is to be piped.
- The developer shall clarify the width of the buffer zone between the edge of the stream and streamside berm and supply evidence of agreement of same by Inland Fisheries Ireland.

3.2.3. Planning Report dated 16/1/2026 – Following the submission a detailed response to the further information requested the Planning Authority considered that all matters raised were satisfactorily addressed and a grant of permission was recommended.

3.2.4. Other Technical Reports

3.2.5. Roads Section Report dated 18/7/2025 – No objections

3.2.6. Environment Section – No objections subject to conditions.

3.2.7. Heritage Officer: Report dated 12/8/2025 – Further information requested.

3.2.8. Heritage Officer: Response to further information submitted as detailed in the report of the Planning Officer dated 16/1/2026 – No objections subject to conditions.

### 3.3. **Prescribed Bodies**

3.3.1. Inland Fisheries Ireland: Report dated 7/8/2025 – Further information requested.

3.3.2. Inland Fisheries Ireland: Report dated 13/1/2026 – No objection subject to conditions.

3.3.3. Department of Housing Local Government and Heritage – Development Applications Unit: Report dated 27/8/2025 – No objection subject to the attachment of conditions addressing archaeology.

#### 3.4. **Third Party Observations**

3.4.1. The Planning Authority received 10 no. submissions/observations in relation to the application. The issues raised are similar to the matters raised in the third party appeals.

### 4.0 **Planning History**

4.1. None

### 5.0 **Policy Context**

#### 5.1. **Waterford City and County Development Plan 2022-2028**

5.1.1 The appeal site at Ahanaglogh, Kilmacthomas, Co. Waterford is located on lands zoned Agriculture. “To provide for the development of agriculture and to protect and improve rural amenity.” As set out in Section 11.1 of the Development Plan – all lands outside of the designated settlements and land zoning maps is regarded to be zoned as Agriculture A.

5.1.2 The site is situated within a 'Low Sensitive' Scenic Classification in the Landscape and Seascape as per the Character Assessment in the Development Plan.

5.1.3 Chapter 4 refers to Economy, Tourism, Education and Retail

5.1.4 Policy ECON 13 – Rural Resource: To facilitate farm or rural resource related enterprises and diversification, including food production and processing on farm/ agricultural holdings, mineral and aggregate extractive industry, aquaculture and marine, the circular economy, and proposals which support rural tourism initiatives which are developed upon rural enterprise, social enterprise, natural/ cultural heritage assets and outdoor recreational activities, subject to the capacity of the site and the location to facilitate the proposal.

5.1.5 Subject to environmental policies and the development management standards of this Development Plan, the nature and scale of any proposed development will be

assessed having regard to a number of factors, including nature and scale of the existing operation, building, or tourist attractions, source of material (where appropriate), traffic movements, water and wastewater requirements, capacity to reuse existing and redundant buildings, and likely impacts on amenity and the environment and the Natura 2000 Network.

5.1.6 Chapter 6 refers to Utilities Infrastructure, Energy & Communication

5.1.7 Section 6.3 refers to Storm and Surface Water Management.

5.1.8 Policy Objectives UTL 08 and UTL 09 refer to the Protection of Water Resources, Storm and Surface Water Management and to the implementation of SuDS.

5.1.9 Policy Objective UTL 10 refers to Flooding/SRFA.

5.1.10 Objective UTL 22 refers to Construction Wastes - We will safeguard the environment by seeking to ensure that residual waste is disposed of appropriately. All waste arising during construction will be managed and disposed of in a way that ensures the provisions of the Waste Management Acts and the Southern Waste Management Plan 2015-2021.

5.1.11 Chapter 9 refers to Climate Action, Biodiversity & Environment

5.1.12 Section 9.2 refers to Flood Management

5.1.13 Section 9.3 to Water Quality

5.1.14 Section 9.6 to Biodiversity

5.1.15 Policy Objective BD 01 includes: We will protect and conserve all sites designated or proposed for designation as sites of nature conservation value (Natura 2000 Network, Ramsar Sites, NHAs, pNHAs, Sites of Local Biodiversity Interest, Geological Heritage Sites, TPOs) and protect ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks and wetlands.

5.1.16 Policy BD15 states “We will ensure that Waterford’s floodplains, wetlands and watercourses are retained for their biodiversity and flood protection values and maintain good ecological status of wetlands and watercourses in support of provisions of the Water Framework Directive and Ramsar Convention.

## 5.2. **National Waste Management Plan for a Circular Economy 2024-2030**

- 5.2.1. It sets a strategic roadmap away from the traditional linear ‘take-make-use-dispose’ model towards a ‘circular economy’ regenerative growth model where resources are reused or recycled as much as possible and the generation of waste is minimised. The transition to a circular economy is essential to reduce pressure on natural resources, aid in achieving climate targets, support Sustainable Development Goals and create sustainable growth and jobs.
- 5.2.2. TP14.4 – Support the provision of treatment capacity for non-hazardous construction and demolition waste streams (in particular soils, fines, rubble and concrete)

## 5.3. **Southern Regional Spatial and Economic Strategy (RSES)**

- 5.3.1. RPO 107 – refers to Regional Waste Management Plan for the Southern Region 2015-2021. It is an objective to support innovative initiatives that develop the circular economy through implementation of the Regional Waste Management Plan for the Southern Region 2015-2021 and its successor.

## 5.4. **Natural Heritage Designations**

- 5.4.1. The following are the closest European Sites in proximity to the site:
- Comeragh Mountains SAC (Site Code 001952) is located 4.9km to the north-west of the site.
  - Mid-Waterford Coast SPA (Site Code 004193) is located 6.45km to the south of the site.
  - Lower River Suir SAC (Site Code 002137) is located 9.8km to the north of the site.

## 6.0 **EIA Screening**

- 6.1. The development as proposed is the infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04). As proposed under the application submitted to the Planning Authority on the 23/06/2025 it is proposed to import 16,292m<sup>3</sup> (24,438 tonnes) of infill material in total. At further information stage the volume of material proposed to be imported has been revised to 13,188 m<sup>3</sup> (19,782 tonnes).

- 6.2. Based on the information on file the applicant has not specified that the proposed infilling is made under the provisions of Article 27 of the European Communities (Waste Directive) Regulations 2011 (as amended) whereby the subject fill material is categorised as a by-product.
- 6.3. Accordingly, the proposal would involve the importation of 19,782 tonnes of inert soil and stone over a period of four months in order to improve the agricultural quality of the appeal site (with the fill area measuring 1.2 hectares). Whilst these works could be held to amount to land remediation, they may also be categorised as a 'waste' operation on the basis that the input material is technically 'waste' (by way of case precedent, the Commission has previously held that material such as soil and stone from construction sites which is imported from outside a landholding for infilling purposes constitutes waste).
- 6.4. Therefore, in view of the foregoing, it is necessary to determine whether or not the proposal involves a class of development which is prescribed for the purposes of Section 176 of the Planning and Development Act, 2000, as amended. In this respect I would advise the Board that Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, prescribes 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule' for the purposes of Part X of the Act.
- 6.5. Given that the subject proposal involves the disposal of 19,782 tonnes of material over a period of approximately four months, it is below the aforementioned threshold and thus there is no mandatory requirement for the planning application to be accompanied by an Environmental Impact Assessment Report.
- 6.6. Accordingly, having regard to the nature, scale and extent of the development proposed, the site location outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, the proposed development would not be likely to have significant effects on the environment and the need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 2 attached to this Report for the preliminary examination.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Third party appeals were received from (1) Lindsay and Ger Boland and (2) David Connors. The issues raised are as follows;

#### (1) Lindsay and Ger Boland

- The appellants raise concern in relation to potential flooding and drainage. The site is located on lands which are prone to flooding. During heavy periods of rainfall water accumulates on the site and flows towards the adjacent stream.
- The appellants state that there are regular occurrences of flooding on the public road under the bridge in the vicinity of the site. Therefore, this demonstrates that the area already experiences drainage and flooding difficulties. It is considered that the granting of permission for the proposed development would further exacerbate existing problems with flooding in the area.
- It is considered that any disturbance of the lands would risk increasing surface water runoff and would worsen flood risk to surrounding lands and neighbouring property.
- There is a stream running through and adjacent to the site. This watercourse forms part of the local ecosystem and supports aquatic life.
- Livestock on surrounding agricultural lands rely on this stream as a drinking water source. Any contamination, sediment run-off, interference or alteration to natural drainage patterns could have serious environmental consequences and impact both on wildlife and animal welfare.
- Traffic and road safety concerns are raised. The proposed development will generate additional traffic specifically heavy goods vehicles onto the existing rural road network. Concern is expressed that the existing road network is narrow and not designed to accommodate increased commercial traffic. It is stated that visibility at certain points along the road is limited and that there are existing safety concerns for locals and other road users.

- It is highlighted that when accidents occur on the N25 that traffic is routinely diverted onto the local road the L3209. During such diversions traffic volumes increase significantly and the road becomes congested. It is considered that the addition of further HGV movements associated with this development would significantly increase safety risk.
- It is stated that the imposition of conditions does not change the physical limitations of the road infrastructure.
- It is considered that the proposed development represents unsuitable use of agricultural wetland where alternatives exist. The site is productive agricultural wetland. The appellants suggest that the infilling of a quarry in the local area would be more appropriate.
- It is stated that there is a lack of local connection and the impact would be on the local community.
- In conclusion, it is submitted that the decision to grant permission even subject to conditions fails to properly address the serious concerns relating to flooding, drainage, water quality, biodiversity, livestock welfare, traffic safety and inappropriate land use.
- The appellants request that the Commission overturns the decision of the Planning Authority to grant permission.

(2) David Connors

- The appeal raises the matters of unauthorised dumping and unauthorised development. Further information was requested which stated *(1) It appears from the site inspection and review of planning history that fill material has previously been deposited on site without the benefit of planning permission. Please provide full details in relation to the site clearance works, amount of material imported to the site, when the works were undertaken, where the material originated, etc. and also clearly identify what appears to be material deposited on site to the northeast of the site on a revised layout plan and section plans (i.e. material deposited to the west of the existing access from the public road.). Please be advised if material has been deposited on site this will necessitate an application for retention permission of the works*

*undertaken to date and planning permission for the proposed works i.e. it cannot be considered under this application.*

- It is considered that the information submitted did not address the requested further information in a meaningful way. It is stated that the applicant, the new owner had not deposited any material on the site. The submission included correspondence and photos from the previous owner.
- The response demonstrated that the subject lands had been reseeded in the past and that a stockpile of manure was stored on the site. The submission did not address the area inside the gate on the lands which had been graded with imported fill.
- The report of the Planning Officer in response to the further information stated, “the developer submitted a cover letter and additional documentation in which it is stated that no infilling of land or depositing of material has previously been undertaken at the site, either by the current owner or the previous owner and in this regard a signed letter from the previous owner has been submitted which states that no infilling occurred at the site, however drainage works were undertaken which involved some excavation and moving of material.”
- The Planning Officer further stated, “The concerns raised in the third party submissions are noted, however the additional details as submitted by the developer are also noted and the written referral responses from both Roads Section and Environment Section in which both raised no concerns are also noted. It is considered that any works are likely to have been related to agricultural/drainage works and this issue is considered to have been addressed adequately by the developer.”
- In response to this the appellant states that the Roads & Environment Sections are not tasked with investigating the alleged unauthorised fill. The only assessment of the issue of alleged unauthorised fill on the site was the assessment of the Planning Officer and the further information submitted by the applicant. It is considered that a proper assessment of the matter was not carried out.

- It is clear from the request for further information that if fill was present then regularisation is required.
- The issue of sightlines at the proposed entrance is raised point 3(e) of the request for further information states, 3(e) *“Please submit revised plans to clearly demonstrate the extent of roadside boundary required to be removed to achieve the required sightlines and in this regard the developer is advised where hedgerow removal is proposed at third party owned lands then the signed written consent of the third party landowner is required to be submitted. Proposals for re-instatement of roadside boundary behind the required sightlines shall also be submitted and the developer is advised that all proposed works must be within the red line boundary of the site.”*
- It was concluded in the Planner’s assessment that *“revised plans have been submitted which indicates 23m of roadside hedgerow to the south will be removed to accommodate sightlines, with trimming back of the hedgerow also required. It is stated that there is a second row of trees inside the site which will reduce impact of roadside boundary removal.”*
- The response to point 3(e) refers to attached revised site plan drawing No. 25040-004-P2 where it is noted that in a worst case scenario approximately 29m of trees/hedgerow to the north and 23m to the south may have to be removed. There is a second row of trees and hedging inside the site so there will be negligible visual impact with the natural additional screening provided. A portion of the remainder of the roadside hedgerow will only need to be trimmed back to allow the required sightlines.
- It is stated that there is no further information drawing no. 25040-004-P4 on file or any other drawing which clearly indicates the required set-back distance from the edge of the public road demonstrating the sightlines. There is no drawing indicating the necessary extent of roadside hedges and trees to be removed and the required replacement set-back treatment. It is the opinion of the appellant that a significant part of the road frontage trees and hedge will need to be removed to provide the required sightlines for the safe access and egress of large trucks and or heavy machinery.

- The issue of flooding is raised. Part 3(d) and 3(f) of the further information refer to flooding. Part 3(d) states, “It is noted that concerns have been raised regarding possible flooding issues at the site and notwithstanding that the site is not located within a designated flood zone, the developer is therefore requested to submit an engineering report from suitably qualified person to assess whether there are currently flooding issues at the site and the impact the proposed development may have on any future flooding issues at the site and/or wider area.” Part 3(f) states, “Please submit additional details in relation to existing drains at the entrance to the public road and how surface water is to be addressed to prevent flow onto the public road.”
- The report of the Planning Officer refers to the response from the applicant to item 3(d) of the further information request stating *“the response stated that there is no flooding designation at the site. It was further stated that the site was visited by the applicant after heavy rains and there was no flooding or back up of water at the watercourse at the site. It is further stated that the existing underground pipe running under the site which connects to the watercourse will be upgraded from 300mm to 600mm which will further alleviate any flooding concerns. The details as submitted are noted as are the third party submissions and the referral response previously submitted from Roads Section which indicated no objection and on balance it is considered that flooding issues have been addressed.”*
- It is highlighted in the appeal that it is not unusual particularly for remote locations not to have a flooding designation. The absence of such a designation does not indicate that flooding does not exist or is not capable of being established in any particular location. The submission to the Planning Authority in relation to the application identified flooding at the southern boundary of the site where the stream overflows onto the neighbouring entrance and the public road.
- It is considered that this proposal will have a hydrological impact on the subject lands and environs notwithstanding the existing flooding during extreme events.

- It is considered that the proposal to upgrade the existing pipe to a 600mm pipe will only result in flood waters arriving quicker at the location of the established flooding.
- It is considered that the assessment in the report of the Planning Officer in relation to part 3(f) of the further information is insufficient. It states, *“the submitted details indicated that hardcore will be laid inside the entrance which will assist with soaking surface water, and a wheel wash will be provided adjacent to the hardcore internal road area. It is further stated that the site lies slightly lower than the road therefore surface water will not flow out onto the Road.”*
- There is no detail or section through the access point from the public road and no section through the wheel-wash. There is no assessment of the capacity of the conduit passing under the L3029 public road connecting to the indicative network. It is stated that it is evident that these subject lands are a de facto flood plain. It is submitted that the loss of the natural ability to flood on these lands will impact on other lands including those of the appellant.
- Item no. 5 of the further information refers to the submission of an Ecological Impact Assessment (EclA). The report of the Planning Officer states that the EclA prepared by Russell Environmental to address the issues raised by the Inland Fisheries Ireland. A range of mitigation and compensation measures are included in the EclA which address issues of impact on the watercourse. Revised plans have been submitted which include a 5m buffer zone at the existing watercourse. No works will be undertaken within the buffer zone, therefore impact on the stream is significantly reduced.
- The report of the Planning Officer referred to the further report from the Heritage Officer and noted that there was no objection to the proposed development subject to the attachment of conditions.
- It is submitted that the report of the Planning Officer did not reasonably assess the information presented.

- The appellant respectfully requests that the Commission overturn the decision of Waterford City and County Council and refuse permission for the reasons set out in the appeal.

## 7.2. Applicant Response

- None received

## 7.3. Planning Authority Response

- The details submitted in the grounds of appeal are noted by the Planning Authority.
- The Planning Authority notes that the substantive issues raised in the third party appeals were also raised in the submissions made during the submission period.
- The Planning Authority considers that the substantive issues raised in the third party appeals were assessed in detail as part of the assessment of the application, which included both the initial five weeks submission period and the subsequent period following receipt of further information details which were deemed to be significant by the Planning Authority. The assessment also included consultation with other departments within Waterford City and County Council. The planners report submitted to An Coimisiún Pleanála as part of the documentation associated with the planning application addresses the issues within the report.
- The Planning Authority considers that the development was granted permission by the Planning Authority following a detailed and robust assessment which included input from other departments within Waterford City and County Council
- The Planning Authority remains favourably disposed to the proposed development, subject to appropriate conditions being attached to a grant of permission and they strongly urge An Coimisiún Pleanála to uphold its decision to grant permission for this development.

## 8.0 Assessment

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Principle of Development
- Traffic and vehicular access
- Drainage and flooding
- Ecology

### 8.1. Principle of Development

- 8.1.1. The appeal site is located on lands zoned Agriculture, “to provide for the development of agriculture and to protect and improve rural amenity”, under the provisions of the Waterford City and County Council 2022-2028. It is proposed to infill the existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04). As proposed under the application submitted to the Planning Authority on the 23/06/2025 it is proposed to import 16,292m<sup>3</sup> (24,438 tonnes) of infill material in total. At further information stage the volume of material proposed to be imported has been revised to 13,188m<sup>3</sup> (19,782 tonnes).
- 8.1.2. Chapter 6 of the Waterford City and County Development Plan 2022-2028 refers to the Utilities Infrastructure, Energy & Communications. Objective UTL 22 refers to Construction Wastes, it states that it is an objective to safeguard the environment by seeking to ensure that residual waste is disposed of appropriately. All waste arising during construction will be managed and disposed of in a way that ensures the provisions of the Waste Management Acts and the Southern Waste Management Plan 2015-2021.
- 8.1.3. As part of the further information the applicant was required to provide details to fully clarify the duration of fill, the intake (tonnes) per annum proposed in relation to the development and a method of fill/phasing proposals. In response to these matters the applicant confirmed that the lands could be filled within one year. The applicant

stated that the material could be imported from a number of potential sites, pending a grant of a Cert of Registration (CoR) from Environment Department of Waterford City and County Council. Accordingly, subject to the importation of the infill material being provided a Cert of Registration from the Local Authority then it would be categorised as a waste product. Objective UTL 22 of the Development Plan refers to Construction Wastes and seeks to ensure the safe and managed disposal of waste arising during construction. The provisions of the National Waste Management Plan for a Circular Economy 2024-2030, sets a strategic roadmap away from the traditional linear 'take-make-use-dispose' model towards a 'circular economy' regenerative growth model where resources are reused or recycled as much as possible and the generation of waste is minimised. Policy TP14.4 seeks to support the provision of treatment capacity for non-hazardous construction and demolition waste streams (in particular soils, fines, rubble and concrete). The proposed development would be in accordance with these policies in relation to waste.

- 8.1.4. The further information requested raised the matter of previous fill material deposited on the site. This issue is raised in the grounds of appeal. The applicant in response to the matter confirmed that no infilling of the land or deposition of material had previously been carried out on the site. A letter from the previous owner of the site was provided which stated that no infilling on the site had occurred and that drainage works had been carried out which some excavation of movement of existing material on the lands.
- 8.1.5. The end use of the lands is stated as agricultural. The proposal to fill the lands with inert soil and stones and restore this land for agricultural use is in accordance with the Agriculture zoning objective of the lands which seeks to, "provide for the development of agriculture and to protect and improve rural amenity". Furthermore, I note the provisions of Policy ECON 13 of the Development Plan which refers to Rural Resource and seeks to facilitate farm or rural resource related enterprises and diversification, including food production and processing on farm/ agricultural holdings, mineral and aggregate extractive industry, aquaculture and marine, the circular economy, and proposals which support rural tourism initiatives which are developed upon rural enterprise, social enterprise, natural/ cultural heritage assets and outdoor recreational activities, subject to the capacity of the site and the location to facilitate the proposal.

- 8.1.6. The site is situated within a 'Low Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment of the Waterford City and County Council Development Plan 2022 - 2028. The site is not visually prominent, and I am satisfied that the lands have capacity to absorb the development without significant visual intrusion.
- 8.1.7. Having regard to the nature of the proposed development the infilling of existing agricultural lands with inert soil and stones and the Agriculture zoning objective of the lands, I am satisfied that the principle of the proposed development is acceptable at this location and is in accordance the key strategic policy objectives in the Waterford City and County Development Plan 2022 2028.

## 8.2. **Traffic and vehicular access**

- 8.2.1. The grounds of appeal raised the matter of traffic impact in relation to traffic and safety. The design of the proposed vehicular entrance was also raised. The proposed development involves the importation of circa 13,188m<sup>3</sup> of material to the site in heavy goods vehicles over a period of approximately four months. The subject lands are served by an existing gated vehicular entrance onto the local road the L3029. The appeal site lies immediately to the south of the N25 and approximately 2.5km to the west of the junction on the N25 which serves Kilmacthomas. There is access to the L3029 from an exit on the westbound carriageway of the N25 this is located circa 180m from the appeal site.
- 8.2.2. As part of the request for further information the applicant was required to submit details of the haul route proposed to be used for importation of material to the site, number of lorry loads per day/week and an assessment of the capacity of the local roads network to absorb the additional traffic and HGV vehicles that would be generated by the proposed development.
- 8.2.3. In response to the matter the applicant confirmed that the proposed haul route is via the N25 with access to the L3029 serving the site from the junction to the north. I note that having regard to the close proximity of the site to the exit on the westbound carriageway of the N25 that vehicles making deliveries would be primarily use this route to access the site. The route back to access the western carriageway of the N25 is the junction to the north which serves Kilmacthomas. This is via the L3037 local road and the R679 and is circa 2km from the appeal site. The route to access the

eastern carriageway of the N25 is the junction to the south. This is via the L3037 local road and is circa 1.7km from the appeal site.

- 8.2.4. In relation to the level of traffic generated, it is stated in the further information response that there would be a maximum of 10 loads per day/50 loads per week to and from the site. This level of additional traffic which the proposed development would generate, I consider is relatively low and can be accommodated onto the surrounding local road network without an undue impact on their carrying capacities.
- 8.2.5. The site is served by an existing entrance which features an agricultural gate. It is proposed to construct a short section of hardcore haul road into the site with a wheelwash. The revised site layout plan Drawing No: 25040-004-P1 indicates that sightlines of 55m are proposed to the north and south of the site entrance. As detailed on the drawing 29.5m of trees are proposed to be removed to the north of the entrance with 25.5m of trees to be trimmed back. To the southern side of the entrance 23.1m of trees are proposed to be removed with 39.9m of trees to be trimmed back. As indicated on the drawings the locations where trees are proposed to be either removed or trimmed back are within the site or within other lands in the ownership of the applicant. The proposals to provide sightlines of 55m in each direction onto the L3029 at setback of 4.5m from the road edge are inline with the requirements of the Planning Authority. I would highlight that the report of the Roads Department dated 18/07/2025 had no objection to the proposal.
- 8.2.6. I consider that the road network is suitable to accommodate the traffic which would be generated. Having regard to these factors and the limited nature of the proposed development, I would conclude that the proposed development will not endanger public safety by reason of traffic hazard.

### 8.3. **Drainage and flooding**

- 8.3.1. The grounds of appeal raised the matters drainage and flooding. They referred to periodic flooding on the site after heavy rainfall events and also flooding which previously occurred on the L3209 under the bridge in the vicinity of the site.
- 8.3.2. Item 3(d) of the further information referred to flooding. It set out that concerns were raised in submissions to the application regarding possible flooding issues at the site. It was highlighted in the further information request that while the site was not located within a designated flood zone an engineering report was required to assess whether

there are currently flooding issues at the site and the impact the proposed development may have on any future flooding issues at the site and wider area.

- 8.3.3. In response to this the applicant stated that the site is not located within a designated flood zone and with reference to floodinfo.ie mapping, there were no officially recorded flood events on the site. Regarding drainage on the L3209 local road to the east of the appeal site, the response from the applicant noted the stream which passes under the L3209 from the side of the road at the site. The stream accommodates flow from the higher lands to the west of the appeal site and also outflow from the N25 to the north. The location of the stream and the direction of its flow is indicated on the Proposed Site Plan Drainage Layout Drawing no: 25040-005-P1. It flows in a northerly direction from the southern corner of the site and along the eastern site boundary. A buffer of 5m is proposed between the area of fill and stream which will ensure the flow of the stream is not impacted.
- 8.3.4. There is an existing drainage pipe runs across the site flowing from southwest to the northeast it drains from the adjacent field. It is proposed to increase the capacity of drain from 300mmØ to 600mmØ. It is proposed to connect to drain to the stream along the eastern site boundary. The drainage proposals are indicated on the Proposed Site Plan Drainage Layout Drawing no: 25040-005-P1 submitted as part of the 09/12/2025. As indicated on the drawing this replacement land drain will follow the route of the existing drain while providing additional capacity to drain the flow generated on the higher lands to the west of the site. This proposed conduit will therefore follow the existing flow path, improve drainage on the site and will serve to prevent potential flooding on the site and on surrounding lands. Accordingly, having regard to the drainage proposal as detailed on the Proposed Site Plan Drainage Layout Drainage 25040-005-P1 and the response provided to the Planning Authority as part of the further information requested, I am satisfied that applicant has addressed the matter of surface water drainage and potential flooding.
- 8.3.5. I further note the report of the Planning Officer dated 16/1/2026 in response to the further information noted the proposed upgrade of the existing underground pipe on the site and that the Roads Section had no objection to the proposed development and raised no concerns in relation to flooding.

8.3.6. Accordingly, having regard to the details provided on file and the topography and hydrogeology of the area, I am satisfied that the that the proposed development would not result in an adverse impact to the hydrological regime of the area nor an increase in flood risk elsewhere. The proposed development would therefore be acceptable in terms of flood risk in the area.

#### 8.4. **Ecology**

8.4.1. It is set out in the grounds of appeal that the issues raised in the further information concerning ecology were not adequately addressed by the Planning Authority. Item no. 4 of the further information required the applicant to provide details in relation to the matters raised by Inland Fisheries Ireland (IFI) regarding the stream that borders the site.

8.4.2. In response to this the applicant submitted an Ecological Impact Assessment (EclA) prepared by Russell Environmental. The assessment is dated 14/11/2025. The habitats identified on the site are wet grassland and hedgerow/treeline and treelines. Some common bird species were recorded in the site it was stated in the assessment that it is likely that they nest in the hedgerow/treeline and treelines on the site. To the northwest of the site there is a section of woodland. A drainage ditch runs across the site flowing from southwest to the northeast it drains from the adjacent field. There is a depositing lowland stream located inside the hedgerow/treeline. The stream connects with the Mahon River. The stream is identified as providing a valuable habitat for a range of freshwater species.

8.4.3. In relation to predicted impact of the proposed development it is identified in the assessment that two of the habitats on the site will be modified as a result of the proposal. The grassland will be replaced by improving grassland and the drainage ditch will be culverted. It is highlighted that the remaining habitats will require to be protected during the infill works specifically the depositing lowland stream. Accordingly, the assessment contains recommended mitigation measures. In relation to protected bird species it is recommended that all cutting back of vegetation works are carried out between November and February, outside the nesting season. The construction mitigation measures outlined in the assessment include that the culverting of the drainage ditch should be carried out prior to any deposition of fill.

- 8.4.4. It is specifically recommended that there should be no fill for up to 5m adjacent to the stream on the eastern side of the site and a silt fence be placed adjacent to the stream throughout the deposition of the fill. It is concluded in the assessment that site-based mitigation measures during the culverting of the drainage ditch and deposition of fill will ensure that there is not surface runoff of particulate matter or other pollutants. Subject to the successful implementation of these measures, it can be concluded that the proposed deposition of infill will not cause any significant negative impacts on the habitats, legally protected species, designated sites, or any other features of ecological importance.
- 8.4.5. Item no. 5 of the further information required the applicant demonstrate compliance with policy BD15 on the Waterford City and County Development Plan and also to clarify the width of the buffer zone between the edge of the stream and the streamside berm. Policy BD15 states “We will ensure that Waterford’s floodplains, wetlands and watercourses are retained for their biodiversity and flood protection values and maintain good ecological status of wetlands and watercourses in support of provisions of the Water Framework Directive and Ramsar Convention.” The conclusion of the EclA states that there will be a negligible impact from the proposed works on the stream and further designated European Sites.
- 8.4.6. In relation to the matter of the width of the buffer zone, a 5m buffer zone will be provided between the stream and any proposed works. The only works that will be undertaken within the buffer zone is the erection of the silt fence as a mitigating measure. The provision of the proposed buffer zone has reduced the proposed area of infill.
- 8.4.7. Having regard to the details set out above, I would recommend that should the Commission decide to grant permission for the proposed development that they attach a condition which addresses the matters set out above. Specifically, I would recommend the attachment of a condition requiring that the Ecological Impact Statement mitigation measures be implemented in full in accordance with the Ecological Impact Statement submitted to the Planning Authority on the 9<sup>th</sup> of December 2025.

## 9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 9.2. Comeragh Mountains SAC (Site Code 001952) is located 4.9km to the north-west of the site. Mid-Waterford Coast SPA (Site Code 004193) is located 6.45km to the south of the site. Lower River Suir SAC (Site Code 002137) is located 9.8km to the north of the site.
- 9.3. The proposed development comprises the infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04).
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:
  - The nature and scale of the development.
  - The distance to the nearest European sites, and the absence of any hydrological or other pathways.
- 9.5. Taking into account the screening report of Waterford City and County Council.
- 9.6. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

## 10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

- 10.2. The receiving water environment has been identified and assessed, see Appendix 3 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures, it is concluded that the proposed development will not:
- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
  - Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
  - Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.
- 10.3. Any residual risks are capable of being addressed through the proposed mitigation measures.
- 10.4. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

## 11.0 Recommendation

- 11.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

## 12.0 Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022 – 2028 specifically the location of the site within a rural area on lands which have an Agriculture zoning objective, and the provisions of the National Waste Management Plan for a Circular Economy 2024-2030 it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the further plans and particulars submitted on the 9<sup>th</sup> day of December 2025, 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. The mitigation measures identified in the Ecological Impact Assessment (EclA) submitted on the 9<sup>th</sup> day of December 2025 shall be carried out in full except as may otherwise be required in order to comply with other conditions.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3.
  - (a) Prior to the commencement of the development, the developer shall either;
    - (i) apply for and obtain a reviewed authorisation under the Waste Management (Facility Permit and Registration) Regulations 2007, covering the infilling of the site from the local authority, or
    - (ii) shall carry out the infilling in line with by-product process for soil and stone under article 27 of the European Communities (Waste Directive) Regulations 2011 (as amended), with prior notification to the EPA prior to the acceptance of any soil and stone.
  - (b) The developer shall install profile boards on the site which indicate the design fill level, to allow the ongoing monitoring of the infill level on site.

- (c) On completion of the infilling, a topographical survey of the infilled site shall be carried out and a drawing showing the planned and actual levels shall be submitted to the planning authority.
- (d) Prior to the commencement of the infilling, the developer shall erect a fence demarking the extent of the area to be infilled.
- (e) Prior to the commencement of the infilling works, the developer shall install silt fences and silt dams to the drainage network to prevent the washing of sediment into the drains and watercourses. These measures shall be maintained until the new grass seed/vegetation has re-grown on the site.
- (f) The developer shall undertake steps to minimise dust during the infilling, including through the use of water bowsers to dampen areas during dry weather, and through the regular sweeping of public roads during the active infilling period.

**Reason:** In the interests of protecting the environment, ensuring proper management of waste and the proper planning and sustainable development of the area.

- 4. The developer shall consult with Inland Fisheries Ireland (IFI) with regard to the preparation of a Method Statement for the piping/culverting of the existing drain at the site. Prior to the commencement of development, the developer shall submit the Method Statement for the piping/culverting of the existing drain at the site, for the written agreement of the Planning Authority.

**Reason:** In the interests of protecting the environment and the proper planning and sustainable development of the area.

- 5. Operations shall occur between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or Public Holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-

(a) Notify the planning authority in writing at least at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) Employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

(i) The nature and location of archaeological material on the site, and

(ii) The impact of the proposed development of such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and convenience, and to protect the amenities of the area.

8. 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.”

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Siobhan Carroll

Planning Inspector

25<sup>th</sup> of May 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL 500781-WD-26
<b>Proposed Development Summary</b>	the infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04), less than 25,000 tonnes in total, together with all associated site development works
<b>Development Address</b>	Ahanaglogh, Kilmacthomas, Co. Waterford
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Class 11(b) of Part 2 of Schedule 5 (other projects) - Installations for the disposal of waste with an annual

<p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>intake greater than 25,000 tonnes not included in Part 1 of this Schedule - Sub-Threshold</p>
<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL 500781-WD-26
<b>Proposed Development Summary</b>	the infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04), less than 25,000 tonnes in total, together with all associated site development works.
<b>Development Address</b>	Ahanaglogh, Kilmacthomas, Co. Waterford
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></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><b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b></p> <p>The proposed development entails the infill of inert soil &amp; stone on an area of 1.6 hectares within a rural area where the predominant land use is agriculture. The proposed development will serve to increase the level of the land within the 1.6 hectares and lands can be used for agricultural purposes. The development, by virtue of its type, does not pose a risk of major accident/or disaster and/or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and</p>	<p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The development is situated in a rural area on improved agricultural land which is abundant in the</p>

<p>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>area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></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><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>

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

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Appendix 3 – WDF Impact Assessment Scoping Table

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	PL-500781-WD-26	<b>Townland, address</b>	Ahanaglogh , Kilmacthomas , Co. Waterford
<b>Description of project</b>		The infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04).	
<b>Brief site description, relevant to WFD Screening,</b>		The site is located within a rural area at a low elevation of circa 51.99mAOD and 53.3mAOD. The soil type is AminPD – poorly drained. The subsoil is Shale till. The bedrock is Ordovician volcanic rocks. The Mahon River (MAHON_030) is situated circa 280m to the east. The Faha River (FAHA_010) is situated circa 1.7km to the south. The Eastern Celtic Sea (IE_SE_050_050) coastal waterbody is situated 6.9km to the south. The Tramore (IE_SE_G_146) groundwater body underlies the site.	
<b>Proposed surface water details</b>		Existing 300mmØ land drain to be replaced with a 600mmØ land drain	
<b>Proposed water supply source &amp; available capacity</b>		N/A	

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>				N/A			
<b>Others?</b>				N/A			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>							
<b>Identified water body</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)  (Consider all phases)</b>	<b>Mitigation Measures proposed</b>	<b>Is mitigation sufficient? Will there be any residual impacts?</b>
Mahon River	Mahon River (MAHON_030)	Moderate	Under review	-	Yes, adjacent stream at the site hydrologically connected to watercourse	No fill for up to 5m adjacent to the stream and a silt fence be placed adjacent to the stream throughout	Mitigation is sufficient. No residual impacts

						<p>the deposition of the fill.</p> <p>Once the fill has been deposited and the field re-seeded, no fertilisers should be spread on the land and any slurry spread via injection, leaving a buffer of 5m adjacent to the stream.</p> <p>Dust suppression and wheel washing</p> <p>All refuelling of vehicles will not be carried out on site This will prevent the release of hydrocarbons to the site and the stream</p>	
Faha River	Faha River (FAHA_010)	Moderate	Under review	-	Not hydrologically connected to river waterbody	Screened out	Screened out

Eastern Celtic Sea	Eastern Celtic Sea (IE_SE_050_050)	High	Not at risk	-	Pathway exists	(as detailed under mitigation measures above)	Mitigation is sufficient. No residual impacts
Tramore (IE_SE_G_146) groundwater body	Tramore (IE_SE_G_146) groundwater body	Good	At risk	Unknown and Agriculture	Pathway exists	(as detailed under mitigation measures above)	Mitigation is sufficient. No residual impacts