



## Inspector's Report

**PL-500865-WD-26**

<b>Development</b>	Outline permission for house with garage, septic tank with percolation area and all ancillary services.
<b>Location</b>	Ballyrandle, Dungarvan, Co. Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2560846
<b>Applicants</b>	Tomas and Niamh Healy
<b>Type of Application</b>	Outline
<b>Planning Authority Decision</b>	Refuse Outline Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellants</b>	Tomas and Niamh Healy
<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 at Ballyrandle, Dungarvan, Co. Waterford. It is situated 4km to the south-east of Dungarvan town centre. The site is roughly rectangular in configuration and has a stated area of 0.2ha. It lies at roughly the 10m contour and is relatively level. It extends back from the roadside boundary by circa 70m.
- 1.2. The site is located on the western side of the Clonea road (L3011). The L3011 provides access to Clonea Strand and the associated tourist accommodation including Clonea Strand Hotel and Casey's caravan and camping park.
- 1.3. The Waterford Greenway is situated directly the north of the appeal site. Scartore Greenway car park is located on the opposite side of Clonea road circa 65m from the appeal site. The greenway runs immediately to the north of the car park and the former Railway Cottage at this location is currently operating as a café.
- 1.4. The site is served by an existing agricultural entrance gate. The pedestrian crossing on the L3011 is situated approximately 36m to the north-west of the agricultural entrance gate. To the south-east of the site, the adjoining field contains an agricultural barn which is located 74m from the roadside boundary.

## 2.0 Proposed Development

- 2.1. Outline planning permission is sought for a house, garage and septic tank with percolation area and all ancillary services.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Waterford City and County Council decided to refuse outline permission for the development by Order dated 28<sup>th</sup> of January 2026. Permission was refused for the following reasons;
  1. The proposed development is located on the main access road to Clonea Beach and in close proximity to a busy pedestrian crossing point on the Waterford Greenway. It is considered that the creation of a new residential entrance at this location by itself and the undesirable precedent it would set would endanger road

safety and cause potential for conflict with road users (pedestrians, cyclists and motorists). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located within the greenbelt area of Dungarvan on lands zoned High Amenity as designated in the current Waterford City and County Development Plan 2022-2028. Within these areas it is the policy of the Planning Authority to “discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built-up areas, encourage and exacerbate urban sprawl and detract from the landscape/rural character of the area”. It is considered that the proposed development would materially contravene the provisions of policy H30 as stated above and would therefore be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

- 3.2.2. Report dated 25/01/2026 - It was concluded that having regard to the planning history of the site, the location and characteristics of the site, the referral response from the Roads Department and the circumstances of the applicant as supported by the submitted planning report, that the previous refusal reasons have not been addressed.

#### **3.2.3. Other Technical Reports**

- 3.2.4. Roads Department - The report of the Planning Officer dated 25/01/2026 refers to the response received from the Roads Department which set out that the Roads Department would not be in favour of an entrance at the above proposed location at Ballyrandle, Dungarvan. That the proposed development as previously stated on the notification of decision for planning application no: 24/60597 would endanger road safety and cause potential for conflict with road users (pedestrians, cyclists and motorists).

### **3.3. Prescribed Bodies**

- None

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

3.4.1. The Planning Authority did not receive any submissions/observations in relation to the planning application.

## 4.0 Planning History

4.1. Reg. Ref. 2460597 – Outline permission was refused to the applicants for construction of a storey and a half dwelling house with attached garage, along with entrance driveway, septic tank with percolation area, connection to public water network and all ancillary services. Permission was refused for 3 no. reasons.

1. The proposed development is located on the main access road to Clonea Beach and adjacent to a busy pedestrian crossing point on the Waterford Greenway. It is considered that the creation of an entrance at this location by itself and the undesirable precedent established would endanger road safety and cause potential for conflict with road users (pedestrians, cyclists and motorists). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located within the greenbelt area of Dungarvan on lands zoned High Amenity as designated in the current Waterford City and County Development Plan 2022-2028. Within these areas it is the policy of the Planning Authority to “discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built-up areas, encourage and exacerbate urban sprawl and detract from the landscape/rural character of the area”. It is considered that the proposed development would materially contravene the provisions of policy H30 as stated above and would therefore be contrary to the proper planning and sustainable development of the area.
3. It is the policy of the planning authority to encourage development on serviced lands in towns and villages and to restrict development in the rural areas to cases of genuine local housing need. The proposed development is located in an area identified as an 'Area Under Strong Urban Influence' in the Waterford City & County Development Plan 2022-2028. The Planning Authority is not satisfied on the basis of the information submitted with the application that the proposal constitutes a Genuine Housing Need in accordance with Section 7.11.2 of the

Waterford City & County Development Plan 2022-2028. It is considered that, in the absence of a substantiated local housing need for a house at this location, the proposed development would conflict with the policy of the planning authority, would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

#### Adjacent lands

4.1.1. Reg. Ref. 2360531 & ABP 318907-24 – Outline permission was refused by the Board for the construction of a dwelling, garage, new entrance, wastewater treatment system and all ancillary works. The site is located circa 186m to the south-east of the site currently on appeal. Permission was refused for the following reasons;

1. Having regard to the location of the proposed development and the exiting pattern of development in the area, it is considered that the proposed development would constitute ribbon development in a High Amenity Area, would seriously injure the visual amenities and character of the area, would be contrary to policy objectives H29 and H30 of the Waterford City and County Development Plan 2022-2028, and would therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, which would result in the intensification of use of an access onto the Local Road L3011 at a point where a speed limit of 80km/h applies, would endanger public safety, by reason of inadequate achievable sightlines, which would endanger pedestrians, cyclists and other road users and would, therefore, constitute a traffic hazard.

4.1.2. Reg. Ref. 2360532 & ABP 318906-24 – Outline permission was refused by the Board for the construction of a dwelling, garage, new entrance, wastewater treatment system and all ancillary works. The site is located circa 313m to the south-east of the site currently on appeal. Permission was refused for the following reason;

Having regard to the Waterford City and County Development Plan 2022-2028 and to the location of the proposed development on lands zoned as High Amenity to 'discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/rural character of the area and provide for uses such as agriculture and forestry, sport and recreation

and essential public services installations, the Board considered the applicant was not a landowner and therefore to facilitate this development proposal would materially contravene the provisions of policy H30 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

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

- 5.1.1. The appeal site at Ballyrandle, Dungarvan, Co. Waterford is located on lands zoned 'HA' High Amenity.
- 5.1.2. The objective seeks to "Protect highly sensitive and scenic locations from inappropriate development that would adversely affect the environmental quality of the locations."
- 5.1.3. The appeal site is within 100m of a Recreational Route: Dual Cycle/Pedestrian, Greenway.
- 5.1.4. Chapter 7 refers to Housing and Sustainable Communities.
- 5.1.5. Section 7.11.2 refers to Housing in the Open Countryside
- 5.1.6. In relation to Rural Areas under Strong Urban Influence it is the key Development Plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned and designated for housing in the adjoining villages and settlement nodes.
- 5.1.7. The Council will manage sustainable growth in designated 'Rural Areas Under Strong Urban Influence' and facilitate the provision of single houses in the countryside based on the core consideration of demonstrable economic, social or local need to live in a rural area, siting and design criteria for rural housing and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

#### 5.1.8. **Rural Housing Policy Objective - General**

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

#### 5.1.10. **New Home in the Open Countryside Policy Objectives**

5.1.11. H28 – We will facilitate the provision of single housing in the countryside, in rural areas under urban influence, based on the core consideration of demonstrable economic, social or local need to live in a rural area, as well as general siting and design criteria<sup>4</sup> as set out in this plan and in relevant statutory planning guidelines, having regard to the viability of smaller towns and rural settlements.

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

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

#### 5.1.14. **Section 7.11.5 refers to Housing in High Amenity Areas and on Approach Roads**

5.1.15. High Amenity Areas (previously referred to as greenbelt areas) play an integral role as part of the fabric of our settlements, chiefly in terms of providing a clear physical demarcation to the adjoining urban area, and through their use for community

recreation and amenity purposes. The value of High Amenity Areas as enabling longer term strategic expansion of our urban areas is set out in NPO 62 of the NPF.

- 5.1.16. Within High Amenity Areas there will be restrictions on development to maintain a clear demarcation between rural and urban areas, to support the sustainable development of the settlement, to reduce urban sprawl and to safeguard the potential expansion of the settlements in the future.
- 5.1.17. Housing development in High Amenity Areas will only be considered subject to the overall objective of maintaining the open character of the lands, securing the viability of the nearby settlement. The housing needs of existing landowners may be facilitated on High Amenity Areas and on the approach roads to settlements, where other more suitable alternatives are unavailable, and subject to general siting and design criteria for rural housing as set out in this plan and in relevant statutory guidelines.
- 5.1.18. **Housing in High Amenity Areas and Approach Roads Policy Objective**
- 5.1.19. H30 – On lands zoned High Amenity and along the approach roads to settlements we will:
- Discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/ rural character of the area; and,
  - Provide for uses such as agriculture and forestry, sport and recreation and essential public services installations.
- 5.1.20. We will facilitate development proposals by existing landowners with a genuine demonstrable economic, social or local need for a first home for their own permanent occupation, subject to consideration of available alternatives and sequential testing, as well as general siting and design criteria as set out in this plan and in relevant statutory planning guidelines.
- 5.1.21. Volume 2: Development Management Standards
- 5.1.22. Section 8.0 – Roads Access Policy
- 5.1.23. Section 8.6 refers to Sightline Requirements

## 5.2. National Context

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

### National Planning Framework: First Revision, April 2025

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

5.2.3. The relevant National Policy Objective (NPO) is NPO 28, it states:

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

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

## 5.2.4. Climate Action Plan (CAP) 2025/2024

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

## 5.2.6. Sustainable Rural Housing Guidelines for Planning Authorities, 2005

5.2.7. The Rural Housing Guidelines outline the planning context for applicants seeking dwellings in rural areas, including those areas under urban influence, define ‘rural generated housing’, and identify the different categories of persons which can demonstrate a rural housing need.

5.2.8. Section 3.2.3 of the guidelines refer to ‘Persons who are an intrinsic part of the rural community’ and ‘Persons working full-time or part-time in rural areas’. Of the latter, the guidelines state such circumstances will normally encompass persons involved in full-time farming.

### 5.3. **Natural Heritage Designations**

5.3.1. Dungarvan Harbour SPA (Site Code 004032) is situated 935m to the west of the appeal site.

5.3.2. Mid-Waterford Coast SPA (Site Code 004193) is situated 3.9km to the east of the appeal site.

5.3.3. Glendine Wood SAC (Site Code 002324) is situated 2.3km to the north of the appeal site.

## 6.0 **EIA Screening**

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

A first party appeal was submitted by Ó Criostóir & Associates on behalf of the applicants Tomas and Niamh Healy. The main issues raised are as follows;

- The first reason for refusal states, “The proposed development is located on the main access road to Clonea Beach and in close proximity to a busy pedestrian crossing point on the Waterford Greenway. It is considered that the creation of a new residential entrance at this location by itself and the undesirable precedent it would set would endanger road safety and cause potential for conflict with road

users (pedestrians, cyclists and motorists). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”

- In relation to the sightlines at the proposed vehicular entrance, it is stated that they satisfy the criteria as outlined in the Waterford City and County Council Development Plan 2022. The entrance provides 2.4m x 55m visibility in both directions which meets or exceeds the Development Plan requirements.
- The entrance is located approximately 41m from the greenway crossing. It is stated that the entrance is outside the immediate influence area which provides reaction time and would minimise potential conflict with cyclists and pedestrians.
- Reference is made to the TII document DN-GEO-03031 which states in relation to sightlines that they must allow a driver to perceive an object on the carriageway and stop safely. Standard assumptions include that driver eye height is approximately 1.05m and that object height is approximately 0.26m with visibility measured along the horizontal and vertical alignment of the road.
- For current speed limit, the Development Plan and TII guidance require visibility splays of 2.4m x 55m which have been fully achieved in both directions at the relocated entrance. It is submitted that the proposed access provides compliant stopping sight distance in accordance with the TII document DN- GEO- 03031.
- In relation to the Greenway crossing the proposed vehicular entrance is positioned approximately 41m from the pedestrian/cyclist crossing point associated with the Waterford Greenway.
- It is submitted that this separation ensures the entrance lies outside the immediate interaction zone of the crossing. It is submitted that drivers exiting the site have full visibility in both directions prior to encountering the crossing and that drivers approaching the entrance have adequate safe stopping distance to respond to turning vehicles. It is stated that the entrance road level to the site is approximately 600mm above the road level at the crossing which will ensure further visibility to the users.

- It is submitted that the proposal also complies with the Design Manual for Urban Roads and Streets (DMURS) and TII Guidelines for Junctions and Access points.
- Pedestrian and cyclist priority is fully maintained at the crossing and the proposed entrance is placed where interactions are predictable and minimal.
- Policy DGD06 of the Development Plan promotes footpaths/cycle path provision, public lighting and traffic calming, prioritizing active travel while facilitating safe vehicular access. It is submitted that the proposed entrance supports this objective, maintaining safe access without compromising pedestrian or cyclist movement.
- It is submitted that the available sight distance significantly, exceeds minimum stopping sight distance requirements for the likely operating speeds at this location.
- In relation to vehicular movements from the site, it is stated that vehicles exiting the site in the direction of the crossing can do so without crossing the main road allowing them to merge safely with traffic travelling in the same direction. In relation to vehicles travelling towards Clonea they will need to cross the road. It is noted that vehicles approaching from the opposite direction will have just passed the crossing and will be travelling at a significantly reduced speed, reducing any potential risk conflict.
- It is submitted that there is no technical basis to conclude that the proposed entrance would give rise to any material road safety hazard.
- In conclusion, the applicants recognise the need for a safe crossing for pedestrians and cyclists, this proposed design does not in any way endanger users to the greenway crossing. As vehicles that are approaching the entrance will have slowed to a minimal speed due to the location of the crossing. Similarly exiting the driveway will ensure a slow speed.
- It is stated that there is no statutory or policy provision within the Waterford City and County Development Plan 2022-2028, DMURS or TII standards that prohibits residential entrances in proximity to pedestrian or cycle crossings.

- The determining factor in such cases is not proximity alone, but whether the proposed access provides compliant visibility splays, maintains stopping sight distance in accordance with TII standards, preserves pedestrian and cyclist priority, does not materially increase collision risk, generates traffic volumes proportionate to the receiving road.
- There are examples of granted permissions by Waterford City and County Council close pedestrian crossings. Under Reg. Ref. 17358 permission was granted for a dwelling with an entrance circa 30m from a greenway crossing.
- Under Reg. Ref. 2360277 permission was granted for vehicle access ramps near the Waterford Greenway at Carroll's Cross. It is submitted that this demonstrates that well designed vehicular access adjacent to the Greenway is considered acceptable.
- Under Reg. Ref. 2560909 permission was granted for a new dwelling exiting from a shared entranceway approximately 42m from a pedestrian crossing. It is stated that this crossing is particularly busy during summer months and when summer students attend Colaiste na Rinne. The site is also zoned High Amenity.
- Reg. Ref. 21/65 refers to development within 70m of a nearby pedestrian crossing, further confirming that properly designed access arrangements at comparable distances are considered safe and acceptable by planning authorities.
- ABP 314129-22 at Templeglantine, Limerick a greenway pedestrian access was considered by the Board. ABP 312657-22 and ABP 322509-25 refer to cases in Waterford where the Board assessed vehicle access and visibility for residential entrance roads, demonstrating the Board's consideration of technical safety.
- The second reason for refusal states, "The proposed development is located within the greenbelt area of Dungarvan on lands zoned High Amenity as designated in the current Waterford City and County Development Plan 2022-2028. Within these areas it is the policy of the Planning Authority to "discourage inappropriate development which would threaten the maintenance

of a clear demarcation between the rural and built-up areas, encourage and exacerbate urban sprawl and detract from the landscape/rural character of the area". It is considered that the proposed development would materially contravene the provisions of policy H30 as stated above and would therefore be contrary to the proper planning and sustainable development of the area."

- It is set out in the refusal reason that the proposed dwelling materially contravenes policy H30 of the Waterford City and County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.
- It is stated that policy H30 does not impose a blanket prohibition on residential development within the High Amenity greenbelt of Dungarvan. It is considered that the policy seeks to discourage inappropriate development that would undermine the clear demarcation between rural and built-up areas encourage urban sprawl, or detract from rural landscape character. The policy explicitly provides for development proposals by existing landowners who can demonstrate a genuine economic, social or local need for a first home for their own permanent occupation subject to consideration of alterations, sequential testing and appropriate siting and design.
- The proposed dwelling is located on long established family owned lands and is intended as the applicant's first permanent residence. It is submitted that the proposal falls within the category of development that Policy H30 expressly contemplates as potentially acceptable. The applicant has demonstrated a genuine local housing need, and there is no evidence that this status has been fundamentally disputed.
- It is submitted that it does not threaten the rural-urban demarcation nor does it give rise to urban sprawl. The proposal consists of a single low density dwelling that is sensitively sited within the existing landscape structure.
- The proposal does not form part of a larger cluster or estate type expansion, nor does it create ribbon development along a roadway. It is submitted that the retention of existing hedgerows, natural boundaries and topographical features ensure that the visual integrity of the countryside is preserved.

- The design approach further reinforces compliance with Policy H30. The dwelling has been carefully positioned to minimise visual impact, with materials and rooflines that are sympathetic to the rural vernacular. The existing landscape features are retained and integrated into the layout. It is submitted that the proposal does not detract from the High Amenity character of the area.
- Sequential testing has been undertaken in the context of the applicant's circumstances and landholding.
- The site represents the only lands available within the applicant's family ownership. There are no alternative sites within the landholding that could reasonably accommodate the proposed dwelling. The exercise of sequential assessment confirms that the current location is not simply the preferred option, but the only viable and available site capable of facilitating the applicant's demonstrated housing need.
- Where no alternative lands are available within applicant's control and where the proposal otherwise complies with siting, design and landscape protection criteria, it would be unreasonable to interpret the policy as obliging the applicant to source lands outside of family ownership.
- The Development Plan does not require an applicant to purchase or acquire alternative lands elsewhere in order to satisfy sequential testing, particularly where a genuine local housing need has been demonstrated and where the proposal does not undermine the rural urban demarcation or High Amenity character of the area. The subject site constitutes the only feasible location available to meet the applicant's need and the sequential approach has therefore been appropriately addressed.
- Sustainable development encompasses social sustainability as well as environmental protection. Facilitating a first permanent home for a member of a local community supports community continuity and aligns with broader rural housing objectives. It is stated that when assessed against the full wording and intent of Policy H30 the proposed development satisfies the relevant criteria and does not materially contravene the Development Plan. It is considered that the refusal reason reflects an unduly restrictive interpretation

of the policy and does not adequately recognise the explicit allowance for genuine local housing need within the High Amenity designation.

- It is respectfully submitted that the Planning Authority's previously stated reasons for refusal have now been comprehensively addressed. All technical policy and design concerns have been resolved in accordance with national, regional and local planning policy frameworks.
- The appellants respectfully request that An Coimisiún Pleanála overturn the decision of the Planning Authority and grant planning permission for the proposed dwelling at Ballyrandle, Dungarvan, Co. Waterford.

## 7.2. Planning Authority Response

- None received

## 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:

- Compliance with Development Plan policy
- Vehicular access

### 8.1. Compliance with Development Plan policy

8.1.1. The Planning Authority refused outline permission for the proposed dwelling, septic tank with percolation area and all ancillary services at the site at Ballyrandle, Dungarvan, Co. Waterford for two reasons.

8.1.2. The second refusal reason issued by the Planning Authority referred to the location of the site within the greenbelt area of Dungarvan on lands zoned High Amenity as designated under the provisions of the Waterford City and County Development Plan 2022-2028. The objective is to "protect highly sensitive and scenic locations from

inappropriate development that would adversely affect the environmental quality of the locations”.

- 8.1.3. Policy H30 of the Development Plan refers to Housing in High Amenity Areas and Approach Roads it seeks to “Discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/ rural character of the area; and, provide for uses such as agriculture and forestry, sport and recreation and essential public services installations.”
- 8.1.4. It is stated in the first party appeal that policy H30 does not impose a blanket prohibition on residential development within the High Amenity greenbelt of Dungarvan. It is highlighted that the policy explicitly provides for development proposals by existing landowners who can demonstrate a genuine economic, social or local need for a first home for their own permanent occupation subject to consideration of alterations, sequential testing and appropriate siting and design.
- 8.1.5. The first party submit that it is proposed to site the dwelling on long established family-owned lands and is intended as the applicant’s first permanent residence and that the applicant has demonstrated a genuine local housing need.
- 8.1.6. It is set out in the appeal that the proposed development would not threaten the rural-urban demarcation, nor would it give rise to urban sprawl and that it does not create ribbon development along a roadway. In relation to the design approach the first party submit that existing landscape features are retained and integrated into the layout and the dwelling has been carefully positioned to minimise visual impact, with materials and rooflines that are sympathetic to the rural vernacular. They submit that the proposal does not detract from the High Amenity character of the area. In relation to sequential testing the first party state this has been undertaken in the context of their circumstances and landholding. They submit that the site represents the only lands available within their family’s ownership and that there are no alternative sites within the landholding that could reasonably accommodate the proposed dwelling. Therefore, they state that the proposed site is the only viable and available site.
- 8.1.7. In relation to the site context, it is situated circa 4km from Dungarvan town centre and on the western side of Clonea road (L3011). There are no existing houses within the

vicinity of the site with the surrounding lands uses being agriculture and recreational/tourism. I would note that there is an increased emphasis on the recreational use of the lands in the area with the proximity of the Waterford Greenway. The surrounding landscape is relatively open and scenic. The report of the Planning Officer highlighted the location of the site within an area where there is a clear demarcation between the rural and built-up area. They concluded that the proposed development would threaten this demarcation between the rural and built-up area and would give rise to unnecessary urban sprawl. I would concur with the assessment of the Planning Officer that the proposed development would be contrary to the provisions of policy H30 which seeks to “Discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built-up areas.”

8.1.8. The applicants submit that the proposed development should be considered on the basis that policy H30 does not impose a blanket prohibition on residential development within the High Amenity zone and that on the basis of sequential testing that no other alternative sites are available. Section 7.11.5 of the Development Plan refers to Housing in High Amenity Areas it advises that the housing needs of existing landowners may be facilitated where other more suitable alternatives are unavailable. I noted that this section of the Development Plan states, “housing development in High Amenity Areas will only be considered subject to the overall objective of maintaining the open character of the lands.”

8.1.9. Accordingly, while the applicants submit that the subject site represents the only available site to them, i.e. there are no other lands in their family’s ownership, I would be cognisant of the location of the site within an area where there is a clear demarcation between the rural and built-up areas. Furthermore, I would be cognisant of Section 7.11.5 of the Development Plan which advises that housing in High Amenity Areas will only be considered subject to the overall objective of maintaining the open character of the lands. The development of a dwelling at this location would I consider undermine the zoning objective which seeks to “protect highly sensitive and scenic locations from inappropriate development that would adversely affect the environmental quality of the locations.”

- 8.1.10. Therefore, notwithstanding the subject site being the only site within the applicants' ownership or their family's ownership I would concur with the assessment of the Planning Officer that it would threaten the maintenance of a clear demarcation between the rural and built-up area, would give rise to unnecessary urban sprawl and would detract from the landscape/rural character of the area.
- 8.1.11. Therefore, I would conclude that the proposed development would be contrary to the provisions of policy H30 which in which the stated objective is to 'discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/rural character of the area and provide for uses such as agriculture and forestry, sport and recreation and essential public services instillations.'
- 8.2. Vehicular access
- 8.2.1. The first refusal reason refers to the proposed vehicular access. It states that the proposed development is located on the main access road to Clonea Beach and in close proximity to a busy pedestrian crossing point on the Waterford Greenway. The Planning Authority considered that the creation of a new residential entrance at this location by itself and the undesirable precedent it would set would endanger road safety and cause potential for conflict with road users (pedestrians, cyclists and motorists).
- 8.2.2. As detailed in the report of the Planning Officer the Roads Department would not be in favour of an entrance at the above proposed location at Ballyrandle, Dungarvan. That the proposed development as previously stated on the notification of decision for planning application no: 24/60597 would endanger road safety and cause potential for conflict with road users (pedestrians, cyclists and motorists).
- 8.2.3. Under Reg. Ref. 24/60597 outline planning permission was refused for a dwelling on the same site as currently proposed. The proposed vehicular entrance is marginally relocated to the east from the location previously proposed. As detailed on Site Layout Map sightlines of 55m are proposed to the east and west at the vehicular entrance. The pedestrian crossing is situated circa 35m from the location of the proposed vehicular entrance.

- 8.2.4. It is submitted in the appeal that the sightlines at the proposed vehicular entrance of 2.4m x 55m in both directions meets or exceeds the Development Plan requirements.
- 8.2.5. Volume 2 of the Development Plan refers to Management Standards and Section 8.6 refers to Sightline Requirements. Table 8.1 sets out the Minimum Sightline Requirements. The proposed vehicular entrance would be located on the Clonea road (L3011). As detailed on Table 8.1 the minimum sightlines requirements for a vehicular entrance serving a single house onto a local road where the speed limit is 80km/h is 55m. As detailed on Site Layout Map sightlines of 55m are proposed to the east and west at the vehicular entrance. Having inspected the site I am satisfied that the proposed sightlines can be achieved and that they are in accordance with the Development Plan requirements.
- 8.2.6. The grounds of appeal also refer to the provisions of the Design Manual for Urban Roads and Streets (DMURS) and TII Guidelines for Junctions and Access points and state that the proposal is in accordance with those documents. In relation to the Design Manual for Urban Roads and Streets (DMURS), I would note that the site is outside the designated urban area of Dungarvan and as such the provisions of 'Design Manual for Urban Road and Street' (DMURS) (2019) only specifies sight distances for urban roads within a speed limit of up to 60km/hr. Table 4.2 of DMURS provides Stopping Sight Distances for urban roads. The speed limit on Clonea road (L3011) along the location where the vehicular entrance is proposed is 80km/hr. Accordingly, the reference to DMURS is not appropriate in this context. Regarding TII Guidelines, I note the document DN-GEO-03031 refers to Rural Road Link Design. Table 1.3 refers to Design Speed Related Parameters for roads. It does not provide a minimum stopping sight distance for roads with a speed limit of 80km/h but rather for roads with a design speed of 85km/h where the desirable minimum stopping sight distance is 160m. I would note these design parameters are not directly comparable to the standards set out in Table 8.1 of the Development Plan which refer to Minimum Sightline Requirements and specifically with reference to local roads.
- 8.2.7. I note that the reason for refusal issued by the Planning Authority does not refer to the matter of sightlines. It refers to the proximity of the proposed vehicular entrance to a busy pedestrian crossing point on the Waterford Greenway and that the entrance is proposed onto the Clonea Road which is the main access road to Clonea Beach. I

note that this reason for refusal was also attached to the previous decision to refuse outline permission on the site under Reg. Ref. 24/60597.

- 8.2.8. The reason for refusal highlights the location of the proposed entrance is onto the L3011 which is the main access road to Clonea Beach. I note that there are no other vehicular entrances on the western side of the L3011 within the vicinity of the site with the closest situated circa 300m to the south-east. There are a footpath and cycle way located along the western side of the L3011, linking Clonea Strand with the Waterford Greenway and the R675. The Greenway adjoins the appeal site to the north with the pedestrian crossing on the L3011 situated approximately 35m from the proposed new vehicular entrance. The pedestrian crossing comprises a raised table with chevron markings.
- 8.2.9. The grounds of appeal have referred to a number of applications where permission was granted for development in proximity of crossing. Having reviewed the cited cases I would note that none are directly comparable with some referring to different types of development including a quarry and large housing schemes and also that a number of the sites are located within settlements.
- 8.2.10. It is submitted in the appeal that the proposed vehicular entrance would not endanger road safety on the basis that the entrance lies outside the immediate interaction zone of the crossing and that drivers exiting the site have full visibility in both directions prior to encountering the crossing and that drivers approaching the entrance have adequate safe stopping distance to respond to turning vehicles.
- 8.2.11. The reason for refusal issued by the Planning Authority states that the proposed new residential entrance at this location would endanger road safety and cause potential for conflict with road users including pedestrians, cyclists and motorists. It was also stated in the refusal reason that the proposed development of a residential entrance at this location would set undesirable precedent. In relation to this I would concur with the Planning Authority that the proposed development residential development at this location would be likely to generate an average of 4 to 6 daily vehicles trips to and from the site which would cause potential for conflict with road users including pedestrians, cyclists and motorists. The particular context of the site with the close proximity of the proposed vehicular entrance to the busy pedestrian crossing point on the Waterford Greenway and also the location of the footpath and

cycle way along the western side of the L3011, linking Clonea Strand with the Waterford Greenway and the R675 form strong factors for the consideration of the suitability of the location to accommodate the proposed residential entrance.

8.2.12. Having regard to the all the matters detailed above I would conclude that while the sightlines proposed at the vehicular entrance would be in accordance with the minimum standard set out under Table 8.1 of the Development Plan, the additional traffic movements associated with the proposed development at this location on a busy tourist route the main access road to Clonea Beach and also in close proximity to the busy pedestrian crossing point on the Waterford Greenway would endanger public safety by reason of traffic hazard and obstruction of road users and would be contrary to the proper planning and development of the area.

## 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. The subject site is located approximately 935m, at the closest point from Dungarvan Harbour SPA (Site Code 004032). Mid-Waterford Coast SPA (Site Code 004193) is situated 3.9km to the east of the appeal site. Glendine Wood SAC (Site Code 002324) is situated 2.3km to the north of the appeal site.

9.3. The proposed development comprises the construction of dwelling and effluent treatment plant with all associated site works.

9.4. No nature conservation concerns were raised in the planning appeal.

9.5. No streams/watercourses are identified on site.

9.6. 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 small scale and nature of the development.
- The distance to the nearest European sites, and the absence of any hydrological or other pathways.

9.7. Taking into account the screening report of Waterford City and County Council.

## 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, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.
- 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. The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.
- 10.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.
- 10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 11.0 Recommendation

- 11.1. I recommend that outline planning permission be refused. In accordance with the reasons and considerations set out below.

## 12.0 Reasons and Considerations

1. Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, specifically the location of the proposed development on lands zoned as High Amenity, in which the stated objective is to 'discourage inappropriate development which would threaten the maintenance of a clear

demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/rural character of the area and provide for uses such as agriculture and forestry, sport and recreation and essential public services installations.’ The Commission considered that the proposed development would be contrary to the provisions of policy H30 of the Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located on the main access road to Clonea Beach and in close proximity to a busy pedestrian crossing point on the Waterford Greenway. It is considered that the creation of a new residential entrance with the additional traffic associated with the proposed development at this location by itself and the undesirable precedent it would set would endanger road safety and cause potential for conflict with road users (pedestrians, cyclists and motorists). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

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Siobhan Carroll  
Planning Inspector

2<sup>nd</sup> of June 2026

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

<b>Case Reference</b>	PL 500865-WD-26
<b>Proposed Development Summary</b>	Outline permission for house with garage, septic tank with percolation area and all ancillary services.
<b>Development Address</b>	Ballyrandle, Dungarvan, 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)	

<p><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></p>	
<p><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></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><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></p>	
<p><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></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>Part 2, Class 10(b)(i) construction of more than 500 dwellings. The proposed development does not equal or exceed the 500 dwelling threshold,</p>

<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><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 500865-WD-26
<b>Proposed Development Summary</b>	Outline permission for house with garage, septic tank with percolation area and all ancillary services.
<b>Development Address</b>	Ballyrandle, Dungarvan, 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>	
<b>Characteristics of proposed development</b>	The nature and size of the development of a dwelling house and on-site effluent treatment system is not exceptional in the context of the existing rural environment. The proposed development will not result in the production of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type (residential), does not pose a risk of major accident and/or disaster.
<b>Location of development</b>	The development is situated in a rural area circa 4km to the south-east of Dungarvan town centre. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.
<b>Types and characteristics of potential impacts</b>	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.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	<b>EIA is not required.</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>
There is a real likelihood of significant effects on the environment.	<del>EIAR required.</del>

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

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

(only where Schedule 7A information or EIAR required)