



An
Coimisiún
Pleanála

Inspector's Report PL-501207-WD-26

Development	Renovation and single storey extension of an existing single storey dwelling.
Location	Newtown, Annestown, Co. Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560876
Applicant	John Murphy
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant	John Halley
Observer	None
Date of Site Inspection	19 th June 2026
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located at Newtown, Annestown, Co. Waterford. It is situated 2km to the north-east of the village of Annestown. The site has a stated area of 0.73ha it is part of a large agricultural field. It extends back from the roadside boundary by circa 90m. The site lies at roughly the 60m contour and is located on the western side of the regional road the R675. The roadside boundary is formed by a low stonewall.
- 1.2. To north of the site there is a cluster of buildings comprising a detached single storey dwelling and 3 no. agricultural buildings. There is a ruined stone building to the south of the dwelling and circa 9m from the boundary with the appeal site. There is a gated entrance to the agricultural lands and buildings setback from the public road by 15m. This adjoins the eastern boundary of the site.
- 1.3. The appeal site contains a structure a storey cottage which has a floor area of 34sq m. The cottage structure is intact it is of stone construction and features a slated pitched roof. The cottage adjoins an outbuilding which is roofless and features stone walls.

2.0 Proposed Development

- 2.1. Permission is sought for the renovation and single storey extension of an existing single storey dwelling. The proposal comprises;
 - Renovation of existing 34sq m cottage
 - Construction of a 108.5sq m single storey extension
 - New site entrance
 - Wastewater Treatment System

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Waterford City and County Council decided to grant permission for the development by Order dated 27th of March 2026. The permission is subject to 8 no. conditions.

3.1.2. Conditions

Condition no. 1 - The development permitted herein shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on the 8th of December 2025 and as amended by further information received on the 23rd of February 2026. **Reason:** To clarify the documents to which permission relates and for the proper planning and sustainable development of the area.

3.1.3. Condition no. 2.

(a) The site entrance shall be located and constructed in accordance with the details submitted on the 23rd of February 2026. The existing site entrances shall be blocked upon commencement.

(b) Entrance to be constructed so that surface water is not allowed to flow onto the public roadway.

(c) The entrance opening and sightlines shall be provided in accordance with the permission granted herein prior to the commencement of works for the construction of the dwelling permitted herein.

(d) A culvert pipe shall be constructed across and under the entrance where deemed necessary by the District Engineer, Waterford City & County Council and to the specification of the District Engineer, prior to the commencement of development.

(e) Public roadside drainage arrangements shall be installed and maintained by the applicant to the satisfaction of the District Engineer.

(f) Prior to the commencement of development a letter of agreement, signed by the District Engineer shall be submitted to the Planning Authority indicating compliance with conditions (a), (c) and (d) above.

(g) Regardless of the gradient of the driveway, the area between the edge of the roadway and the gate piers shall be reasonably flat and level with the public road, with a gradient not exceeding 2½% or as otherwise agreed in writing with the District Engineer. The surface dressing for this area shall be agreed with the District Engineer and a copy of all agreements shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

(h) The entrance shall be located such that clear and unobstructed sight lines are available from a point 2.4 metres back from the nearside edge of the roadway at the centre of the entrance to a point to the left and right on the nearer edge of the major road running carriageway (which includes the hard shoulder) for a distance of 160 metres. The appropriate eye (1.05 metres and 2.0 metres) and object heights of 0.26 metres & 2.0 metres respectively, above the road surface, shall be used. The road boundary fence shall be set back behind the sightlines so as to accommodate this requirement.

(i) Entrance and associated wing walls shall be constructed of sod & stone, dry-stone, stone-faced masonry or natural stone and mortar and shall not exceed 1.2m in height.

(j) Where the existing roadside boundary is to be set back to achieve the required sightlines, any existing service or utility poles between the new road fence line and the roadway shall be relocated with the agreement of the relevant service provider. These poles shall be relocated at the same time as when the roadside boundary is being removed and prior to occupation of the dwelling.

(k) Apart from the works required to construct the entrance and achieve the required sightlines, the existing roadside boundary shall be retained.

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

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

3.1.4. Condition no. 3. - (a) All new site boundaries other than road and wing wall shall be constructed of a raised earthen berm measuring 1m in height and planted with native hedgerow species suitable to the local environment.

(b) The removal of existing roadside hedgerow to facilitate sightlines shall be mitigated by establishment of a replacement hedgerow consisting of a 1m x1m wide earthen embankment with native and naturalised species (Holly, Hawthorn and Blackthorn) planted on top in a staggered pattern at minimum 4-5 plants per metre. No Beech, Laurel or Grisellenia hedging shall be permitted as hedging.

(c) The removal of existing stonewall boundaries to facilitate sightlines shall be mitigated by take down and set back of wall in a like for like reconstruction using traditional lime mortar and stonewalling techniques. No cladding or cement blocks shall be permitted in reconstruction.

(d) Landscaping on site shall include drainage measures such as permeable paving, swales, tree pits or rain gardens to ensure capture of storm water flow from the site and avoidance of run off to the R675.

Reason: In the interest of visual amenity and preservation of the natural character of the area.

3.1.5. Condition no. 4. – (a) The wastewater treatment system permitted herein shall be installed in accordance with the recommendations included within the site characterization report and shall be in accordance with the standards set out in the document entitled “Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(b) Treated effluent from the treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021”.

(c) Within three months of the first occupation of the dwelling, the applicant shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

(d) The applicant shall enter into an annual maintenance agreement.

Reason: In the interest of public health.

- 3.1.6. Condition no. 5 - (a) The existing on-site wastewater treatment system shall be decommissioned and de-sludged. The sludge from the septic tank shall be taken to a licensed facility by a licensed waste disposal operator.

(b) Once the new system is operational, the applicant shall submit to the Planning Authority for approval certification from a suitably qualified person that the existing septic tank has been safely and appropriately decommissioned.

Reason: In the interest of public health and protection of the environment.

- 3.1.7. Condition no. 6 - All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site in accordance with SUDS Guidelines. Surface water runoff shall not be allowed to discharge onto the public road or adjoining lands. **Reason:** To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.

- 3.1.8. Condition no. 7 - The applicant shall provide and arrange for the continuous and indefinite maintenance of an adequate supply of potable water to serve the dwelling permitted herein. **Reason:** In the interest of public health and for the wellbeing of the occupant(s) of the development.

- 3.1.9. Condition no. 8 - A bat survey shall be carried by an ecologist prior to commencement of development and submitted to the planning authority for its written approval. **Reason:** In the ecological integrity and to ensure the conservation status of a protected species is maintained.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- 3.2.2. Planner's Report dated 05/02/2026: Further information was recommended.

- 3.2.3. Further Information was requested in relation to the following;

1. Submit a revised site layout, relocating the entrance to within his stated land holding to a position where 160 m sightlines can be achieved. The revised layout must show 160 m sightlines in both directions to the nearside edge of the road from a 2.4 m setback in accordance with Section 8.6 of Volume 2 –

Development Management Standards of the Waterford City and County Council Development Plan 2022-2028.

2. Submit a revised Site Layout Plan the entirety of the extent of hedgerow removal and the following mitigation measures:
 - (a) A replacement native hedgerow planted on a 1m x 1m earthen embankment using Holly, Hawthorn and Blackthorn at 4–5 plants per metre in a staggered pattern in all areas where the existing hedgerow is to be removed.
 - (b) The set-back and like-for-like reconstruction of the stone wall using traditional stonework and lime-mortar techniques, with no cladding, concrete blocks or cement-based construction permitted in all areas where the existing stone wall is to be setback.
3. The applicant is requested to clearly illustrate on an updated site layout how storm water will be managed at the entrance to ensure no discharge to the public road. The applicant may wish to refer to the Department of Transport's Guidelines for Road Drainage, 2nd Edition (March 2022), for appropriate design details for rural entrances.
4. The Planning Authority considers the proposed ridge heights of the single-storey extensions to be relatively high, having regard to the locally elevated and open nature of the site and its visibility from the designated Scenic Route. As such you are requested to submit a justification for the proposed design approach or alternatively submit elevational drawings showing the 2-no. proposed single storey extensions with a maximum ridge height of 5.6 metres.
5. Please submit amended details demonstrating all relevant surface features within a minimum of 250m of the application site. The separation distance from the proposed wastewater treatment system to any adjoining wells should be clearly illustrated.

3.2.4. Other Technical Reports

- 3.2.5. District Engineer: Report dated 20/1/2026 – Further information requested in relation to surface water drainage.

- 3.2.6. Comeragh District Roads Engineer – Further information requested in relation to sightlines at the proposed vehicular access.
- 3.2.7. Heritage Officer: Report dated 28/1/2026 – It was recommended that any grant of permission should include conditions referring to the establishment of a replacement hedgerow to mitigate the proposed removal of existing roadside hedgerow to facilitate sightlines. The existing stonewall boundary proposed to be removed and replaced to facilitate sightlines shall be replaced in a like for like manner in terms of materials used and nature of construction. Landscaping plan to include sustainable drainage measures. A bat survey to be carried out prior to commencement of development.

3.3. Third Party Observations

- 3.3.1. The Planning Authority received one submission/objection in relation to the application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

- 4.1. There is an extensive planning history referring to the site which is detailed in the report of the Planning Officer. The most recent relevant cases are as follows:
- 4.2. Reg. Ref. 23/148 – Permission was refused for the construction of a new single storey dwelling, site entrance, wastewater treatment system and all ancillary works. Permission was refused for two reasons;
1. The applicant has proposed the creation of a new access onto a Strategic Regional Road at a point where the required sightlines cannot be achieved without the extensive removal of roadside hedgerow. The resultant development would therefore be detrimental to the visual amenity of the area, would adversely impact the integrity of a designated scenic route contrary to policy objective L04 and BD20. Furthermore, the proposal would undermine the safety and carrying capacity of this Regional Road (R675) and as such would be contrary to Policy Trans 44 and Trans 45 of the Waterford City and County Development Plan 2022-2028 with regard to the protection of strategic

regional routes. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the siting and layout of the proposed development particularly with regard to the driveway design and associated impact by reason of the extensive removal of natural hedgerow on this stretch of the R675 coastal road, it is considered that the proposed development would be seriously injurious to the visual and natural amenity of the area and contrary to Policy L04 with regard to the protection of scenic routes. The development would therefore be contrary to the proper planning and sustainable development of the area.

4.3. Reg. Ref. 18/883 & ABP 304752-19 – Permission was granted by the Planning Authority and refused on appeal for the replacement of existing dwelling with a new split level style dwelling. Permission was refused for the following reason;

1. On the basis of the information submitted with the application and appeal related to the structure on site, the Board noted the overall disused condition of the structure which was without windows and doors and considered that there is insufficient evidence that the structure constitutes a habitable dwelling. In this regard the proposed development would contravene the objectives set out in Section 7.5 (Variation Number 1) of the Waterford County Development Plan 2011-2017, regarding the allowance of a replacement dwelling for a habitable dwelling in limited circumstances. Furthermore, the site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005 and in a ‘Area Under Urban Pressure’ in the Waterford County Development Plan 2011-2017, wherein urban generated housing is directed to serviceable lands in towns and villages. In addition, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, in areas under urban influence, based on the core consideration of demonstrable economic or social need to live in a rural area and having regard to siting and design criteria and the viability of smaller

towns and rural settlements and, in rural areas elsewhere, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, or that the applicant's housing needs could not be satisfactorily met in a smaller town or rural settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy. 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 (as varied)

- 5.1.1. The site has the zoning objective 'A' Agriculture, 'To provide for the development of agriculture and to protect and improve rural amenity'.
- 5.1.2. The site is located within an area designated 'Low Sensitivity' in the Landscape and Seascape Character Assessment of the Development Plan.
- 5.1.3. The site is located within a designated scenic route along the R675.
- 5.1.4. Chapter 7 refers to Housing and Sustainable Communities
- 5.1.5. Section 7.12 relates to the refurbishment, extension and replacement of existing structures in rural areas. It states that applicants for such developments will not be required to demonstrate a local housing need and also states:

Permission for demolition will only be considered where it is demonstrated that a vernacular dwelling is not reasonably capable of being made structurally sound or otherwise improved.

If a dwelling is not considered to be vernacular and does not make an important contribution to the heritage, appearance or character of the locality, or has been damaged beyond reasonable repair, planning permission will be considered for a

new, replacement dwelling, subject to appropriate design, scale of building and normal planning considerations. When assessing proposals to convert, re-use and/or adapt traditional buildings in rural areas, it is a requirement that:

- The original walls must be substantially intact.
- The size of any house extension takes account of the siting and size of the existing dwelling and that the character of the original structures is respected.
- The design of the proposal does not erode the siting and design qualities of the building and its setting which makes it attractive in the first instance.
- Mature landscape features are retained and enhanced with landscape proposals.

Refurbishment and Extensions of Existing Structures Policy Objectives

5.1.6. Policy Objective H 31 - We encourage the retention and sympathetic refurbishment, with adaptation as necessary, of vernacular dwellings and structures in the countryside. In addition:

- There will be a presumption against demolition where restoration or adaptation is feasible.
- Proposals for the conversion to full-time residential use of a premises which has not been previously occupied as a dwelling must demonstrate that they can be independently accessed and serviced independent of any third party.

5.1.7. Policy Objective H 33 - All proposals for refurbishment, extension or replacement of residential property in un-serviced areas will be required to demonstrate compliance with the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) 2021 and any revisions thereof in addition to other policies and development management standards as set out in this plan.

5.1.8. Chapter 11 refers to Heritage

5.1.9. Policy Objective BH 27: Retaining Vernacular Structures in Rural Areas - It is the policy of the Council where proposals for sensitive rehabilitation of disused vernacular buildings in the open countryside are being considered they will not be required to establish a rural housing need provided that their vernacular character is

enhanced and that their fabric is repaired using appropriate techniques and materials. Where the subject structure is demolished and replaced a rural housing need will be required.

5.1.10. Policy Objective BH 29: Extensions and Alterations - It is the policy of the council to ensure that where it is proposed to extend an existing vernacular house/ building, the design, scale, footprint and materials should be sympathetic to the existing building and its setting. Extensions should:

- generally, be located to the rear and not obscure the form or layout of the existing building.
- substantial removal of walling should be avoided.
- connecting the existing building and extension should minimise the number of new openings and ideally use existing openings; and,
- Where feasible outbuilding contiguous to a dwelling can sometimes be successfully incorporated.

5.1.11. Volume Two of the Development Plan sets out development management standards.

5.1.12. Section 4.8 Non-Habitable Dwellings/ Unused Cottages - Sensitive restoration of non-habitable vernacular stock will be considered where an unused cottage or dwelling is considered of architectural, visual or historical merit. Where a sensitive renovation proposal is presented and respects and maintains the integrity and scale of the original building, a genuine rural housing need will not be required. Please also refer to Volume 1: Section 7.12 of the Development Plan and associated Policy Objectives H31-H33.

5.1.13. Development Management Objective - DM 11

Extensions should:

- Respect and follow the pattern of the existing building as much as possible.
- Where contemporary designs are proposed, proposals should not detract from the visual amenities of the main dwelling or neighbouring properties.

- Extension works should not encroach, overhang or otherwise physically impinge third party properties.
- Proposals should be designed in such a way as to eliminate overshadowing or overlooking of adjoining property.
- Avoid additional surface water runoff arising from the site.

5.1.14. Section 9.4: Wastewater Treatment Infrastructure Rural Countryside/ Un-serviced Areas - Where the development of a single house is proposed outside of a designated settlement the Planning Authority will require that the applicant provides an on-site wastewater treatment system in accordance with the EPA Code of Practice (Wastewater Treatment Systems for Single Houses) in force at the time of making the application.

5.4 Natural Heritage Designations

5.1.15. The appeal site is located approximately 1.1km, at the closest point from Mid-Waterford Coast SPA (Site Code 004193).

5.1.16. Tramore Back Strand SPA (Site Code 004027) is situated 8.2km to the east of the appeal site.

5.1.17. Tramore Dunes and Backstrand SAC (Site Code 000671) is situated 8.2km to the east of the appeal site.

5.1.18. Lower River Suir SAC (Site Code 002137) is located 10km to the north of the appeal site.

6.0 EIA Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations).

7.0 The Appeal

7.1. Grounds of Appeal

A third party appeal has been submitted by Liam Buck on behalf of Mr. John Halley. The issues raised are as follows:

- The site previously formed part of a larger farm holding. The site contains the ruins of some buildings adjacent to an established working farm. The site is located on the scenic coastal road between Annestown and Fenor.
- It is contended that the proposal is speculative. It is stated that the applicant has an existing dwelling.
- In relation to the proposed on-site wastewater treatment system is stated that it would be located only 43m from the appellant's well. The well is located over an aquifer with an R2² vulnerability rating.
- The proposed development would require the removal of a large section of historic wall to facilitate the proposed site access.
- Concern is expressed in relation to the proximity of the proposed development to the appellant's farmyard. It is considered that the location of the dwelling adjacent to the farmyard where the day-to-day farm operations are concentrated would create nuisance for the residents. The intensive nature of the farm activities would cause disturbance and negatively impact on residential amenity.
- The appeal refers to the day-to-day noises and smells generated by livestock and machinery on the farm and their negative impacts on residential amenity. Reference is also made of air bourn particles and dust which would be generated on the farm.
- It is highlighted that the existing farmyard structures surround the proposed dwelling location by approximately 270 degrees. Therefore, it is submitted that the proposed dwelling would be significantly impacted by farmyard activities such as fuel fumes, loud machinery noise, vibration from intensive and large farm vehicles, wind bourn debris and plastics, dust particles from unpaved

access road and open areas and smells from animals, effluent, slurry and silage.

- In relation to the matter of the treatment of slurry, it is highlighted that toxic gases are released during bacterial decomposition. Gases are released in large volumes during the agitation prior to emptying the tank. It is stated that the proposed dwelling would be located within metres of the existing slurry tanks on the appellant's farm. Therefore, it is submitted that it is not appropriate to locate a dwelling in proximity to the site of such operations.
- It is submitted other more suitable locations for housing in the vicinity on the applicant's lands are available.

7.2. Applicant Response

A response to the appeal has been submitted by Áine Ryan Consulting on behalf of the applicant Mr. John Murphy. The issues raised are as follows:

- It is noted that the majority of the third party appeal grounds have been addressed to the satisfaction of the Local Authority Roads, Heritage and Planning Officers following the consideration of the plans and particulars including those as amended via the further information response.
- The site suitability report prepared by Joe Moynihan Engineers which was submitted with the application recognised the aquifer vulnerability rating and concluded, 'Minimum separation distances are achieved in every direction from the percolation area. There is no ponding or poor drainage indicators on or around the site. There are wells in the area but all are at a higher elevation other than the proposed area.'
- It was further clarified that the assessment undertaken is compliant with the EPA Code of Practice 2021 and that the site and its surroundings have not changed in any way since testing in 2018 and an updated assessment in 2023. This assessment was accepted as valid by the Planning Authority.

- It is proposed to install a new private borewell on site and to decommission an existing borewell. The proposed borewell would be located upslope from the proposed wastewater treatment system.
- The appellant's borewell is located on the adjacent site farmyard, north of the proposed dwelling. A 45m separation distance from the borewell and the proposed wastewater treatment system is achieved.
- The proposed new well is located uphill from the proposed wastewater treatment system and therefore is required to attain 15m separation distance.
- It is understood that the appellant's water requirements are understood to be served by a well located on the other side of the road, which is spatially uphill from the proposed wastewater treatment system and over 150m from the appeal site. The location of this well is indicated on the further information drawing ref. 1(A).
- The Planning and Water Services Departments of the Council reviewed the submitted plans and Engineers report, it stated in the report of the Planning Officer, "the applicant states that the proposed new well is located uphill from the proposed wastewater treatment system and as such only has to achieve a 15m separation distance. I would suggest that from reviewing the site layout plan, this distance is achieved. The applicant states that the adjacent neighbouring house is served by a well located on the other side of the road, the applicant states that this well is located uphill from the proposed new wastewater treatment system and there will be no risk of contamination."
- It is evident that the Council had no objection to the proposed development subject to the attachment of conditions no's 4 and 5 which refer to the installation of the wastewater treatment system.
- The appeal refers to the requirement to remove a very large section of an historic stone. It is further stated in the appeal that this removal would not be necessary if the location of site is moved further west.

- The proposed development relates to the renovation of an existing dwelling with established access point and it is not an application for a greenfield residential development.
- It is proposed to close the extant northern site entrance and make improvement to southern site entrance to facilitate attainment of required sightlines. It is proposed to remove and set back the southern stone boundary wall at the site entrance, 28.7m is proposed to remove to facilitate the creation of a wider grass margin and improve sightlines. It is proposed to construct an earthen berm boundary of the same extent to be planted with native hedgerow. It is proposed to reuse the stone from the section of wall to be removed to build the replacement wall to the proposed setback.
- The site and its curtilage is not located within or close to any designated Heritage site or within a zone of influence of any national monument site. It is highlighted that the stonewall is not proposed for removal but rather set back and reconstructed on a like for like basis.
- The report of the Heritage Officer date 28/01/2026 noted “the stonework is a notable vernacular heritage and landscape feature of the site”. It is acknowledged in the report that the site has an established use for a dwelling and proposes a number of conditions. Condition no. 3 refers to the roadside boundary treatment specifically the reconstruction of the stonewall.
- The requirements of condition no. 3 accord with the requirement of Objective DM48 which refers to protection of integrity of hedgerows.
- The Commission are respectfully requested to have regard to the fact that the subject proposal has endeavoured through design iteration to respect the character of local rural area and has been determined by the Planning Authority and the Heritage Officer to achieved compliance with the requirements of the Development Plan.
- The grounds of appeal refer to the proximity to the farmyard. It is stated that intensive farming activities upon the appellant's farm will give rise to odours, noise, dust, localised particulate matter emissions, effluent and fuel fumes to arise. These matters are wholly refuted and considered irrelevant.

- The Newtown, Annestown area is predominantly rural which inherently provides for farming activities. Therefore, it is reasonable that the applicant who has resided in the local area for decades is well aware of the nature of rural enterprise.
- The prevailing site conditions were closely considered by Aspect Design Ltd. during the design stage. The sloping east-west topography of the site and the proposed orientation of the dwelling has been fully considered during the design stage to ensure no material interaction with the adjoining lands. This includes the proposed retention of stone walls to provide additional screening to the proposed eastern courtyard area and the orientation of the proposed private residential amenity areas of the scheme towards the west.
- Given the current farming use of the adjoining lands and the proliferation of rural dwellings in the area it is strongly asserted that general farm enterprise works will not be significantly injurious to the residential amenity of the future residents of the dwelling.
- The matter of toxic gases generated by the operation of the slurry tanks on the appellant's farm is raised in the appeal. It is understood that the appellant's slurry tanks and slatted sheds are located due north-east of the site boundary. The location of the extant cottage is in excess of 40m from this shed.
- The subject application is for an established residential dwelling and not a greenfield proposal and the issue of toxic gas production aligned to the proximity of the subject cottage structure was not at any time considered of planning or environmental concern by the competent authorities in Waterford City and County Council during the determination of the subject planning application.
- The report of the Planning Officer recognised the concerns of the appellant and found that; "the dwelling would be 25m at one point from the boundary with an established operating farm, which included continual noise and proximity to slurry, effluent and odours all year round. Mr. Halley notes that this will bring irritations and unintentional nuisances to the occupiers of the

dwelling. Mr. Halley notes that this can be avoided by moving the site to the west of the same folio. Overall, having reviewed the submitted information and having taken into account the issues raised in the third party submission dated 16/03/2026, I would consider that all outstanding information has been addressed and the Planning Authority is satisfied with the applicant's response to the further information requested."

- The sites prevailing wind direction is from the south-west, it is considered that the accumulation of toxic gas should this occur will not pose an immediate threat to the subject dwelling.
- Furthermore, it is highlighted that the appellant should be aware of his obligations with regard to the safe treatment and disposal of slurry wastes arising including the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2020, provide for strengthened enforcement provisions and for better farmyard management. Teagasc in 2024 provided a 'Slurry Code' which sets out that a safe system of work is required when working with slurry including; never agitate slurry in still air conditions, mix on a windy day, open all doors and outlets to provide a draught and avoid vigorous agitation in confined spaces.
- It is stated in the appeal that the applicant should develop other sites within his wider landholding. It is reiterated that the subject proposal seeks to renovate an existing cottage wherein the principle of residential use thereon is established and accepted by the Planning Authority.
- In conclusion, it is strongly asserted that the grant of permission issued by the Planning Authority remains relevant and appropriate to the nature, scale and context of the proposed development. The Commission is respectfully requested to uphold the decision of Waterford City and County Council to grant permission for the proposed development.

7.3. 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
- Residential amenity
- Vehicular access
- Wastewater treatment
- Other matters

8.1. Compliance with Development Plan policy

- 8.1.1. The proposed development comprises the renovation and single storey extension of an existing single storey dwelling. It is contended in the grounds of appeal that the proposal represents speculative development on the basis that the applicant has an existing dwelling.
- 8.1.2. The first party in the appeal response highlighted that the subject proposal seeks to renovate an existing cottage wherein the principle of residential use is established and that was accepted by the Planning Authority.
- 8.1.3. Chapter 7 of the Waterford City and County Development Plan 2022 – 2028 (as varied) refers to Housing and Sustainable Communities. Section 7.12 refers to the refurbishment, extension and replacement of existing structures in rural areas. It states that applicants for such developments will not be required to demonstrate a local housing need. Therefore, the matter of speculative development or whether the applicant has an existing house does not arise in cases where the proposal constitutes the refurbishment, extension or replacement of existing structures in rural areas.
- 8.1.4. As detailed under Section 7.12 of the Development Plan proposals to convert, re-use and/or adapt traditional buildings in rural areas are to be considered on the basis of

that the original walls are substantially intact and that the size of any house extension takes account of the siting and size of the existing dwelling and that the character of the original structures is respected.

- 8.1.5. Policy Objective H31 refers to refurbishment and extensions of existing structures it sets out that it is the policy to encourage the retention and sympathetic refurbishment, with adaptation as necessary, of vernacular dwellings and structures in the countryside. The proposed development involves the refurbishment of the existing cottage; its extension and the retention of the stone outbuilding features to provide a courtyard/private amenity space. The proposed development is in accordance with this development plan objective.
- 8.1.6. The Planning Officer in their assessment of the proposal considered that the dwelling on site was substantially intact and that it was also last used as a dwelling. On that basis the principle of the refurbishment of the property and its extension was considered to be acceptable. On inspection of the site, I observed that the subject property a cottage was structurally intact with four walls standing and the property roofed. Accordingly, I would concur with the assessment of the Planning Authority that the proposal would comprise the refurbishment of and extension to an existing dwelling.
- 8.1.7. Therefore, I would conclude that the proposal is in accordance with the provisions of Section 7.12 and Policy Objective H31 of the Waterford City and County Development Plan 2022-2028 (as varied).
- 8.2. Residential amenity
- 8.2.1. The grounds of appeal refer to the location of the dwelling relative to the appellant's farmyard. The appeal refers to fuel fumes, loud machinery noise, vibration from intensive and large farm vehicles, wind bourn debris and plastics, dust particles from unpaved access road and open areas and smells from animals, effluent, slurry and silage which would be generated on the farm. Concern is raised that the day-to-day farm operations would create nuisance for the future residents of the proposed development.
- 8.2.2. The appeal also specifically referred to the issue of toxic gases generated by the operation of the slurry tanks on the appellant's farm.

- 8.2.3. In response to these matters the first party highlighted that the site is located in a rural area which inherently provides for farming activities and that the proposal was designed by Aspect Design Ltd having regard to the prevailing site conditions. It is set out in the response that the orientation of the dwelling was fully considered during the design stage to ensure no material interaction with the adjoining lands. The design includes the proposed retention of stone walls of the outbuilding to provide additional screening to the proposed eastern courtyard area and the orientation of the proposed private residential amenity areas of the scheme towards the west.
- 8.2.4. Regarding the matter of the slurry tanks, I note that the point made in the appeal response, that the location of the extant cottage is in excess of 40m from the appellant's slurry tanks and slatted sheds. Therefore, there was an existing residential use at this location. In relation to the issue of potential accumulation of toxic gases when slurry is agitated, it is highlighted that the appellant's farmyard is located to the north-east of the site and that the prevailing wind direction is from the south-west. Therefore, they submit that the accumulation of toxic gas should this occur will not pose an immediate threat to the subject dwelling. The appeal response also highlighted that the appellant has obligations with regard to the safe treatment and disposal of slurry wastes arising including under the provisions of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2020.
- 8.2.5. Accordingly, having regard to the details set out above and specifically the separation distance provided between the proposed development and the appellant's farmyard and agricultural buildings to the north-east of over 50m and the siting and design of the proposal, I am satisfied that the residential amenity of future residents will not be unduly impacted by the adjacent agricultural use.
- 8.3. Vehicular access
- 8.3.1. The site is served by an existing gated access onto the regional road the R675. It is proposed to construct a new vehicular access to serve the property. The grounds of appeal raised concerns in relation to the removal of a large section of historic wall to facilitate the proposed site access.

- 8.3.2. As part of the further information the applicant was requested to submit a revised site layout plan relocating the entrance within the applicant's landholding to provide sightlines of 160m in both directions. In relation to the require removal and relocation of the roadside boundary to facilitate the provision of sightlines, it was requested that a revised site layout plan be submitted indicating the set-back and like-for-like reconstruction of the stone wall and the provision of a replacement native hedgerow planted on an earthen embankment.
- 8.3.3. It is indicated on the revised Site Layout Plan submitted to the Planning Authority on the 23/2/2016 that the site entrance has been moved further west and that sightlines of 160m can be provided to the east and west of the proposed entrance. As detailed on the revised Site Layout Plan it is proposed to setback the low stone wall to the east and west of the proposed entrance. In relation to the reinstatement of the roadside boundary, I note that it is proposed to construct a low wall using the stone from the section of wall to be removed to build the replacement wall to the proposed setback. I also note that within the site it is proposed plant new native hedgerow on an earthen embankment along the roadside boundary as required by the Planning Authority.
- 8.3.4. Accordingly, having inspected the site and viewed the location of the proposed entrance and having regard to the details set out above I am satisfied that an adequate sightline distance is available in both directions. Furthermore, I am satisfied with the proposals to ensure that the existing roadside boundary including the historic stone wall is retained. Accordingly, I consider the proposed location of the entrance is acceptable.

8.4. Wastewater treatment

- 8.4.1. It is proposed to install a Tricel Novo wastewater treatment plant with a sand polishing filter which provides tertiary treatment. It is proposed to dispose of treated effluent via a polishing filter to groundwater. It is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. The EPA 2021 Code of Practice – Domestic Waste Water Treatment Systems, (Population Equivalent ≤ 10) provides guidance on the site characterization, design, operation and maintenance of domestic waste water treatment systems.

- 8.4.2. The grounds of appeal refer to potential impacts upon the groundwater in terms of the proposed effluent treatment system. The appeal refers to the location of the appellant's well 43m from the proposed on-site wastewater treatment system.
- 8.4.3. As part of the request for further information the applicant was required to submit a revised site layout plan demonstrating all relevant surface features within a minimum of 250m of the application site. It was specifically required that the separation distance from the proposed wastewater treatment system to any adjoining wells be clearly illustrated.
- 8.4.4. The percolation area is located on the Proposed Site Layout, circa 13m to the north-east of the dwelling and downhill. Regarding water supply a bored well is proposed on site circa 4m to the west of the dwelling and 32m uphill from the percolation area and 29m from the proposed waste water treatment plant. Table 6.2 of the EPA Code of Practice – Domestic Waste Water Treatment Systems sets out the minimum separation distances required from the entire domestic waste water treatment system (DWWTS). The minimum distance from a domestic well to the DWWTS is stated as 25m and 15m if the domestic well is up-gradient. The minimum distance from a watercourse or stream to is stated as 10m and the minimum distance from a road is stated as 4m. In relation to this I note that the DWWTS would be located 65m from the road to the south. Regarding the proximity of watercourses as detailed on the site characterisation form, I note that there are none within 250m. Regarding the location of the appellant's bored well which serves their residential property relative to the proposed waste water treatment system this is indicated on Drawing No. 1a submitted at further information state. The well is located on lands to the south circa 210m away and uphill from the proposed waste water treatment system. A second neighbouring well is indicated on the drawing circa 45m to the north-west of the waste water treatment system, I note that this is not indicated as serving as a water source for a residential property. It is highlighted in the appeal response that appellant's borewell is located on the adjacent site farmyard while the well to south is the source of their domestic water supply.
- 8.4.5. The site is located in an area identified with a "Extreme" vulnerability classification in the GSI Groundwater maps and is located within area defined "Regionally Important" Aquifer category, representing a Groundwater Protection Response of R2² under the

EPA Code of Practice Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021) (Annex E).

- 8.4.6. The trial hole had a depth of 2.2m and the assessment submitted by the applicant indicates that bedrock was encountered at a depth of 2.2m. The watertable was not encountered within the trial hole.
- 8.4.7. The submitted site characterisation records provide details of the testing carried out on site. Subsurface percolation testing was carried out and a T-test value of 30.53 was recorded. Surface percolation testing was also carried out and a P value of 12.3 was recorded. Table 6.4 of the EPA Manual advises that where the P value is greater than 3 and less than 75 then the site is suitable for a tertiary treatment system and infiltration area. It is advised that if installed at the surface the subsurface percolation value must be between 3 and 90. Accordingly, the percolation test results are in line with the provisions of Table 6.4 of the EPA Manual. The invert level of the distribution pipes is proposed to be 0.8m below the current ground level. It is proposed to construct the polishing filter from imported permeable soil. It is proposed to discharge the treated effluent to ground water.
- 8.4.8. Having regard to the information submitted including the site characterisation report and the proposal to install a tertiary treatment system with soil polishing filter, I would concur with the assessment of the planning authority that site is suitable for the proposed on-site effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted. Furthermore, I note that satisfactory separation distance from the proposed wastewater treatment system to adjacent wells is proposed.
- 8.5. Other matters
- 8.5.1. Condition no. 8 attached by the Planning Authority referred to the requirement for a bat survey to be carried out prior to commencement of development and to be submitted to the Planning Authority for written approval. This condition was attached as it was recommended in the report of the Heritage Officer dated 28/1/2026. The report of the Heritage Officer noted that the bat survey submitted with the previous application Reg. 18/883 was resubmitted with the current application. The Heritage Officer highlighted that while the bat survey is out of date in the context of the current

application that the appraisal of the subject building in the survey was as an unsuitable bat roost due to the dilapidated nature of the property and the greater exposure to the elements. I would note that the site itself does not feature mature trees and it is open, as such it would be the building where there would be potential for a roost to be located. Given the open and exposed nature of the outbuilding adjoining the cottage I would agree with the assessment of the Heritage Officer that it would be an unsuitable location for a bat roost but there would be potential for a roost to be located within the cottage. Having regard to the fact that the submitted bat survey is based on surveying carried out in April 2019, I would concur with the assessment of the Heritage Officer that it would be appropriate to attach a condition requiring the submission of a bat survey.

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 1.1km, at the closest point from Mid-Waterford Coast SPA (Site Code 004193). Tramore Back Strand SPA (Site Code 004027) and Tramore Dunes and Backstrand SAC (Site Code 000671) are situated c8.2km to the east of the appeal site. Lower River Suir SAC (Site Code 002137) is located 10km to the north of the appeal site.
- 9.3. The proposed development comprises the renovation and single storey extension of an existing single storey dwelling.
- 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.

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

9.7. I conclude based on 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.

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 permission be Granted, for the reasons and consideration below.

12.0 Reasons and Considerations

Having regard to the provisions of the Waterford City & County Development Plan 2022-2028 (as varied) specifically Section 7.12 which refers to the refurbishment, extension and replacement of existing structures in rural areas and Policy Objective H31 which refers to refurbishment and extensions of existing structures and the nature, scale, design and layout of the proposed development, it is considered that, subject to conditions, the development, would provide reasonable protection of residential amenities, would generally respect the character and visual amenities of the area, would not be prejudicial to public health, water quality or the heritage of the area and would, therefore, be consistent with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars, and Further Information, received by the Planning Authority on the 23rd day of February 2026, 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 site entrance shall be located and constructed in accordance with the details received by the Planning Authority on the 23rd of February 2026. The existing site entrances shall be blocked upon commencement.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

- 3.

(a) All new site boundaries other than road and wing wall shall be constructed of a raised earthen berm measuring 1m in height and planted with native hedgerow species suitable to the local environment.

(b) The removal of existing roadside hedgerow to facilitate sightlines shall be mitigated by establishment of a replacement hedgerow consisting of a 1m x1m wide earthen embankment with native and naturalised species (Holly, Hawthorn and Blackthorn) planted on top in a staggered pattern at minimum 4-5 plants per metre. No Beech, Laurel or Grisellenia hedging shall be permitted as hedging.

(c) The removal of existing stonewall boundaries to facilitate sightlines shall be mitigated by take down and set back of wall in a like for like reconstruction using traditional lime mortar and stonewalling techniques. No cladding or cement blocks shall be permitted in reconstruction.

(d) Landscaping on site shall include drainage measures such as permeable paving, swales, tree pits or rain gardens to ensure capture of storm water flow from the site and avoidance of run off to the R675.

Reason: In the interest of visual amenity and preservation of the natural character of the area.

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

Reason: To ensure adequate servicing of the development and to prevent pollution.

5.

(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

6.

- (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 8th of December 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.
- (d) The existing on-site wastewater treatment system shall be decommissioned and de-sludged. The sludge from the septic tank shall be taken to a licensed facility by a licensed waste disposal operator.

Reason: In the interest of public health and to prevent water pollution.

7. A bat survey shall be carried by an ecologist prior to commencement of development and submitted to the planning authority for its written approval.

Reason: In the ecological integrity and to ensure the conservation status of a protected species is maintained.

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.

Siobhan Carroll
Planning Inspector

29th of July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL 501207-WD-26
Proposed Development Summary	Renovation and single storey extension of an existing single storey dwelling.
Development Address	Newtown, Annestown, Co. Waterford
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

