



An
Coimisiún
Pleanála

Inspector's Report PL-501394-WD-26

Development	Demolition of existing dwelling and construction of replacement dwelling. A Natura Impact Statement (NIS) was submitted with this application.
Location	Ballyeelinan, Ardmore, County Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	26/60131
Applicants	David & Teresa O'Flynn
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First-Party
Appellants	David & Teresa O'Flynn
Observer(s)	Bridget Morrissey
Date of Site Inspection	2 nd September 2026
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 10.15 hectares and is located within the rural townland of Ballyeelinan, County Waterford, which is located approximately 4km northeast of Ardmore village. The site includes a landholding that comprises of a vacant single storey dwelling and its curtilage together with agricultural farmland. The landholding is bounded by 2 no. residential properties to the north and coastal grassland to the south, beyond which is the Celtic Sea. There is an existing stone ruins within the centre of the site/landholding approximately 250 metres southeast of the vacant dwelling. Access to the site is via a cul-de-sac laneway which also serves the 2 no. residential properties outlined above and an existing farmyard approximately 170 metres north of the existing dwelling.
- 1.2. The overall landholding, with the exception of the footprint of the existing dwelling, is located within Helvick Head to Ballyquin Special Protection Area (SPA) (Site Code 004192). The site of the proposed development is located within the SPA and approximately 150 metres from the coast. The topography of the landholding ranges from 82 metres Above Ordnance Datum (AOD) (within the area of the vacant dwelling) to 65 metres AOD (along the southern boundary of the landholding). Lands to the south of the landholding slope downwards to the coast.

2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing dwelling and to construct a new replacement dwelling, together with works to an existing private laneway and site entrance, upgrading of the internal driveway and on-site circulation areas, wastewater treatment system with associated works. The existing dwelling to be demolished is a detached single storey structure and measures 72sqm. The proposed dwelling is to be sited approximately 300 metres southeast of the existing dwelling to the east of the existing stone ruins. It is proposed to be single storey to a ridge height of 7.3 metres and will have a finished floor level (FFL) ranging from 72.5-73.5 metres AOD. The proposed internal floor area will be 379sqm. The existing stone ruins is proposed to be utilised as a garden enclosure which will include herb gardens, vegetation and fruit gardens.

2.2. The application and appeal was accompanied by a number of particulars including the following:

- Natura Impact Statement (NIS)
 - *Additional bird survey report to support NIS was submitted at appeal stage*
- Planning report
- Architect's Design Statement
- Photomontages
- Archaeological Impact Assessment
- Structural Engineering Report
- Integrated Land Management and Sustainable Living and Biodiversity Support Plan
- Site analysis and zoning plan for conservation-led land management
- Site Suitability Assessment (recorded a subsurface percolation value of 18.11 min/25mm)

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to refuse permission by Order dated 29th April 2026 for the following 3 no. reasons:

1. *It is considered that the proposed development of a dwelling at this location, within a landscape classified as 'Most Sensitive' under the Waterford City and County Council Development Plan 2022-2028, would represent an inappropriate form of development in a highly vulnerable and visually exposed coastal setting. The proposal would, by virtue of its siting and proximity to the cliff edge, be visually prominent and intrusive within the coastal landscape and would detract from Protected View No. 28 (View from Ardmore Round Tower over Ardmore Bay). The proposal would, if permitted, set an undesirable precedent for further residential development along this stretch of elevated*

exposed coastline, leading to the incremental erosion of the character, integrity and scenic value of the coastal landscape. The proposed development would contravene Policy Objectives L02, L03 and L04 of the Waterford City and County Council Development Plan 2022-2028 and, would therefore be contrary to the proper planning and sustainable development of the area.

- 2. The planning authority considers on the basis of the precautionary principle, that the proposed development would set an undesirable precedent for other similar proposals with potential for cumulative impacts leading to an adverse impact on the integrity of the Helvick-Ballyquin Special Protection Area, with particular regard to attributes and targets for foraging area and disturbance to Chough in light of the Site Specific Conservation Objective for this species which is to restore its favourable conservation condition. The proposed development would contravene Policy Objectives BD04 and BD05 of the Waterford City and County Council Development Plan 2022-2028 which seek to ensure the protection and integrity of European sites and their conservation objectives. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and the principles of the Habitats Directive.*
- 3. It is the Policy of the Council as expressed in Section 7.12 (Policy Objective H32) of the Waterford City and County Council Development Plan 2022-2028 to allow replacement dwellings where it can be demonstrated that 'the layout, siting and design will not adversely impact on the rural character of the area and that the development is consistent with best practice design principles for housing in rural countryside locations'. It is considered by the Planning Authority that the siting of the proposed dwelling in a highly visible and exposed coastal location removed from the footprint of the existing dwelling, which it is proposed to replace, would fail to meet the requirements and intention of Policy Objective H32 as set out and would set an undesirable precedent for similar proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

Planning Report

The planning report on file from the area planner (AP) assessed the application on a number of issues including the principle for a replacement dwelling, siting, landscape and visual amenity, archaeology, access and wastewater treatment. The AP accepted that the dwelling was not vernacular in character and would require extensive works to meet current building and energy standards, however, considered that the relocation by 300 metres away from the established line of dwellings along the private roadside and significantly closer to the coast represented a material shift from the footprint and spatial context of the replacement dwelling and therefore could not be considered a replacement in-situ. The AP considered that development would be extended seaward beyond the existing roadside cluster which would result in costal encroachment and would fail to meet the criteria for a replacement dwelling set out under Policy Objective H32. Furthermore, the AP noted that the site was located within an area classified as 'Most Sensitive' under the Development Plan's Landscape and Seascape Character Assessment and considered that the siting was inappropriate due to the highly sensitive and visually exposed location. Concerns were also raised regarding the precedent the proposed development would set in terms of facilitating incremental encroachment toward the cliff edge which would undermine the visual and scenic value of the coastline over time.

In terms of Appropriate Assessment (AA), the AP concurred with the findings and conclusions of the Heritage Officer and considered that the proposed development would likely result in adverse impacts on natural and landscape heritage. The AP recommended refusal of the application for 3 no. reasons which was endorsed by the Senior Executive Planner (SEP). Additionally, the SEP considered that the proposed development would detract from Protected View No. 28 (View from Ardmore Round Tower over Ardmore Bay) and considered the proposed development would contravene Policy Objective L04 of the Development Plan.

Other Technical Reports

- Heritage Officer (*report dated 23/04/26*) – The Heritage Officer (HO) raised concerns that the proposed development would set precedent for other similar developments with potential for cumulative impacts leading to adverse impacts

on the integrity of the SPA in particular regard to Chough. The HO considered, notwithstanding the findings of the NIS, that given the proposed incursion on the ecological footprint of the SPA and associated disturbance from construction and operation, as well as precedent concerns, the proposal would give rise to adverse impacts on natural and landscape heritage. The HO recommended refusal.

- Environment Section (*report dated 21/04/26*) – This section outlined no objection subject to conditions.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

None on file

4.0 Relevant Planning History

None on subject site.

PA ref. 16/81 (*dwelling to the north boundary of landholding*)

The PA granted permission for a bungalow, garage, entrance to lane and wastewater treatment system.

PA ref. 17/359 (*dwelling to the north boundary of landholding*)

The PA granted permission for bungalow, garage, entrance to lane and wastewater treatment system.

ACP ref. 312343 (*site approximately 2.5km southwest*)

The Commission refused permission for a house for 2 no. reasons, including, the site being in a sensitive coastal landscape which would be detrimental to the high scenic quality of the area.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

Section 7.12 Refurbishment, Extensions and Replacement of Existing Structures in Rural Areas

The Council encourages the reuse, refurbishment and upgrade of older vernacular rural dwellings and structures which form an important part of our built heritage. Applicants for planning permission will not be required to demonstrate a local housing need in this instance. 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.

Refurbishment and Extensions of Existing Structures Policy Objective

H 32 - If a dwelling is not considered to be vernacular, does not make an important contribution to the heritage, appearance or character of the locality or is not reasonably capable of being made structurally sound or otherwise improved, planning permission may be granted for a replacement dwelling where it can be demonstrated that the layout, siting and design will not adversely impact on the rural character of the area and that the development is consistent with best practice design principles for housing in rural countryside locations.

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.

Landscape Policy Objectives

L 02 (Protecting our Landscape and Seascape) - Protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and

ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape character units.

L 03 (Landscape and Seascape Character Assessment) - Assess all proposals for development outside of our settlements in terms of the 2020 Landscape and Seascape Character Assessment (Appendix 8) and the associated sensitivity of the particular location. We will require a Landscape and Visual Impact Assessment (LVIA) for proposed developments with the potential to impact on significant landscape features within the City and County. Proposals for significant development (e.g. renewable energy projects, telecommunications and other infrastructure and the extractive industry) shall be accompanied by a LVIA which includes Zones of Theoretical Visibility (ZTV) which indicate the landscape impact zone within which the proposed development may be seen. There will be a presumption against developments which are located on elevated and exposed sites and where the landscape cannot accommodate such development with reasonable and appropriate mitigation.

L 04 (Scenic Routes and Protected Views) - Protect the scenic routes and specified protected views identified in our Landscape Character Assessment (Appendix 8), including views to and from the sea, rivers, landscape features, mountains, landmark structures and urban settlements from inappropriate development that by virtue of design, scale, character or cumulative impact would block or detract from such views.

Coast and Marine Policy Objectives

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

Biodiversity

BD 04 (Appropriate Assessment) - All projects and plans arising from this Plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and subsequent Appropriate Assessment where necessary, that:

1. The plan or project will not give rise to significant direct, indirect or secondary effects on the conservation objectives of any European site (either individually or in combination with other plans or projects); or
2. The plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type/and or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or
3. The plan or project will have an adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

BD 05 (Protection of European Sites) - Projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted except as provided for in Article 6(4) of the Habitats Directive, viz. There must be a) no alternative solution available, b) imperative reasons of overriding public interest for the project to proceed; and c) Adequate compensatory measures in place.

Appendix 8 – Landscape and Seascape Character Assessment, Scenic Routes and Protected Views

The site is located within the ‘Coastal’ landscape character type within the ‘Most Sensitive’ landscape sensitivity area. Table AB.2 defines this as ‘Very distinctive

features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.’

In order for development to be considered for permission, development in or in the environs of these areas must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.

Protected Views are outlined in Section 5.2 and include Protected Viewpoint No. 28 – View from Ardmore Round Tower over Ardmore Bay.

5.2. National Policy

- Project Ireland 2040 – National Planning Framework (revised 2025) and National Development Plan 2021-2030

National Policy Objective 23 - Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape including island communities that make Ireland’s rural areas authentic and attractive as places to live, work and visit. Any successor policy documents relating to national policy for rural areas and the islands will ensure continued alignment and consistency with the National Policy Objectives of this Framework.

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

- Climate Action Plan (CAP) 2025 / CAP 2024

Climate Action Plan 2025 builds upon the 2024 Plan 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 Climate Action Plan 2024.

5.3. National Guidelines

- Sustainable Rural Housing, Guidelines for Planning Authorities (2005)
 - *Sustainable Rural and Gaeltacht Housing National Planning Statement is currently at draft stage and the 2005 Guidelines remain in effect.*
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009)

5.4. Other Guidelines

- Guidelines for Landscape and Visual Impact Assessment (Third Edition) (Landscape Institute and Institute of Environmental Management and Assessment)

5.5. Natural Heritage Designations

The subject site is located within the Helvick Head to Ballyquin Special Protection Area (SPA) (Site Code 004192). Ballyeelinan Wood proposed Natural Heritage Area (pNHA) is located approximately 400 metres west of the subject site. Ardmore Head Special Area of Conservation (SAC) (Site Code 002123) is located approximately 3.5km southwest of the subject site.

6.0 Environmental Impact Assessment (EIA) Preliminary Examination

The proposed development has been subject to preliminary examination for environmental impact assessment (I refer the Commission to Appendices 1(a) and 1(b) 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 to the Commission was lodged by the applicants on 25th May 2026 which respectfully requests the Commission to overturn the decision of the PA and grant permission for the proposed development. The appeal documentation includes a response from the applicants' planning consultant, architect, landscape architect and ecologist and many of the issues raised by each consultant are overlapped. The grounds of appeal are summarised as follows:

Refusal Reason No. 1 (*Landscape and Visual*)

- The distance to the cliff edge is between 148-269 metres and not 50 metres as identified by the PA due to a possible typographical error in the site suitability report. The applicant's site does not extend to the cliff edge but adjoins a separate landholding which itself fronts the coastal cliff.
- There was an overreliance on the issue of undesirable precedent for future development within coastal landscapes. The proposal was accompanied by detailed architectural rationale, a contextual vernacular design strategy, ecological and biodiversity considerations and sustainable land management proposals. The proposal is clearly distinguishable from the normal type of non-site specific, generic house types, or poorly integrated rural developments.
- Chapter 10 of the Waterford Development Plan identifies as a strategic objective the need to protect our sensitive landscapes and seascapes which contribute to the distinctiveness of Waterford as a place. The Development Plan also recognises that landscape management involves providing for development that will enhance and benefit the receiving environment. There is no prohibition on development within sensitive rural or coastal landscapes.
- The proposed development accords with the requirements and intent of policy objective L02 of the Development Plan. The siting and design of the replacement dwelling is to avoid undue visual obtrusiveness. The development does not occupy an isolated or visually dominant position within an undeveloped coastal landscape, rather, it forms part of an existing rural

landscape characterised by dispersed residential development, agricultural field patterns, established access routes, boundary treatments and historic built features including existing ruins adjacent to the location of the proposed dwelling. Furthermore, the replacement dwelling has been relocated to a lower and more naturally sheltered part of the landholding.

- Policy objective L03 establishes a presumption against development only where a site is both elevated and exposed and where the receiving landscape cannot accommodate the proposal through reasonable and appropriate mitigation. The existing dwelling occupies a more elevated and visually exposed position within the landholding. The proposed dwelling has been repositioned in direct response to policy objective L03 and includes reasonable and appropriate mitigation such as single storey built form, fragmentation of massing through a courtyard layout, new landscaping and planting proposals and retention and reinforcement of existing landscape features.
- Appendix 8 of the Development Plan provides important context for the application of the landscape policy framework. The landscape character assessment states that the capacity of an area to visually absorb development is influenced by a combination of factors including topography, vegetation and development. Appendix 8 also states that “areas where enclosing topography, screening vegetation and/or existing development are present, should have a high potential to absorb new development”. The development has been designed around these principles and the siting benefits from a rising landscape to the north, proximity to stone ruins, the existing field pattern and additional planting to reinforce the landscape framework.
- Appendix 8 identifies the coastline, headlands and promontories as “most sensitive”, however, it does not state that all development in such areas is unacceptable. The proposal would not impinge in any significant way upon the character, integrity or uniformity of the landscape. Appendix 8 recognises that every landscape can be affected to some degree by new developments, therefore, the relevant policy consideration is whether the visual effect is disproportionate, intrusive or harmful to the character and scenic value of the landscape. The proposal has been designed to avoid such effects.

- The submitted photomontages and supporting design documentation demonstrate that the proposal would not obstruct or degrade Protected View No. 28 from Ardmore Round Tower over Ardmore Bay, nor would it present as an intrusive or skyline breaking feature within the wider coastal landscape. The proposed dwelling would not block the protected view, interrupt its principal focus or present as a dominant or visually intrusive feature within the wider panorama. Policy L04 does not prohibit visibility of development from scenic viewpoints or protected views. The relevant consideration is whether the proposal would materially block, interrupt or detract from those views by reason of inappropriate design, excessive scale, intrusive character or cumulative impact, which would not occur as a result of the proposed development. The PA has relied on magnified, zoomed in photography which does not accurately replicate the experience of the human eye in the landscape. The existing stone wall enclosure and unique landform already provides a degree of natural screening and visual containment from other directions
- The subject site is not an undeveloped cliff-edge location devoid of built form or human activity. The PA acknowledged agricultural activity within the fields surrounding the site as well as three existing dwellings on the site, and therefore is not untouched or an undeveloped coastal headland. Rather than replicating development on the elevated ridgeline the proposed replacement dwelling has been intentionally positioned at a materially lower level within the landholding (approximately 12 metres below the existing dwellings to the north).
- Regard should be had to the historical settlement pattern evident on the landholding. The submitted Archaeological Impact Assessment identifies the presence of an historic enclosed farmyard and notes that the proposed siting mirrors the historic choice of location for houses to use sheltered locations. Therefore, the proposed siting is in accordance with longstanding pattern of settlement and shelter within the landscape.
- The submitted landscape plan includes extensive native planting, reinforcement of existing boundaries, enhancement of biodiversity corridors and careful integration of the dwelling within the wider landholding.

- No third party submissions were lodged and therefore in the context of neighbouring properties the absence of objection supports the view that the proposal is not perceived locally as giving rise to an unacceptable impact.
- The PA considered that the reference examples of dwellings granted outlined in the submitted documents had no relevance to the subject location, however, 23/60557 at Pebble Beach, Co. Waterford, was for a large 257sqm extension to a relatively new house of 652sqm on a sensitive site at the water's edge adjacent to a public beach amenity. This is 2.4 times the size of the proposed dwelling.

Refusal Reason No. 2 (*Biodiversity and AA*)

- The PA's concerns appear to derive from uncertainty regarding potential foraging activity and the issue of cumulative precedent. It is considered that these concerns have now been addressed through an additional bird survey report submitted as part of the appeal documentation.
- The additional bird survey was undertaken on 15th May 2026 and was conducted over 2.5 hours between 8:37am and 11:07am. The survey method for Chough breeding status was based on methods used for the 2021 National Chough Survey. Nature Scot Guidance and the Seabird Monitoring Handbook for Britain and Ireland were also used for guidance on the breeding season for seabirds and methods for counting. The survey also included a telescope scan of the cliffs below the proposed development site from Ballyguin beach.
- The survey recorded one Chough flying from inland over the west end of the site towards the beach (10:50am), however, there was no evidence of Choughs breeding on the cliff south of the proposed house. No Choughs were recorded within the site of the proposed development. It is concluded that Choughs are not breeding on the cliffs south of the site, as birds would have been heard calling and flying throughout the watch period.
- Observations were also made for Peregrine, Cormorant, Herring Gull and there were no sightings of Kittiwakes during the survey period. The telescope scan found no evidence of Herring Gull or Cormorant breeding along the cliff. The ecologist concluded that the results of the bird survey support the conclusion of

the NIS and that, following mitigation, the proposed development does not have the potential to significantly effect the conservation objectives of the SPA. The integrity of the SPA as a whole will not be adversely impacted. The project fully accords with the requirements of Policy Objectives BD 04 and BD 05 of the Development Plan.

- It is submitted that the precautionary principle cannot be applied in a manner that would impose a blanket prohibition on an otherwise acceptable replacement dwelling proposal on the basis of a hypothetical concern that future planning applications might arise.
- The PA has not acknowledged the biodiversity enhancement measures, habitat creation strategies and ecological management proposals and has relied upon quantitative interpretation of land take without appreciating or engaging with the qualitative ecological function of the proposed landscape strategy. The true permanent spatial loss is really only limited to the dwelling itself and is 0.04% which is only 10% of the 0.4% estimated by the PA. The landscape proposals are not ecological reductions but ecological contributions and gains.

Refusal Reason No. 3 (*Replacement dwelling policy*)

- The proposal relates to the replacement of an existing dwelling that is already established within the landscape and does not introduce a new pattern of residential development into an undeveloped coastal area.
- The PA has adopted a narrow and restrictive interpretation of Policy Objective H32 relating to replacement dwellings as the policy does not require a replacement dwelling to remain fixed to the precise footprint of the existing structure. Rather, it requires the siting, layout and design to respond appropriately to the rural context and accord with established rural design principles. The policy does not prohibit the repositioning or relocation of a replacement dwelling elsewhere within an established landholding where the relocation delivers an improved planning, landscape, environmental or design outcome. The replacement dwelling has been sited in a lower and more naturally sheltered part of the landholding adjacent to existing ruins and established landscape features in order to reduce visual exposure and skyline intrusion.

- There is no stipulation within the Development Plan that a replacement dwelling must be 'in-situ' or within a certain maximum distance. The PA has introduced this further restriction which neither the elected members nor the Development Plan expressly adopted.
- The proper interpretation of a Development Plan is a matter of established legal principle where the Courts have repeatedly confirmed that it is to be interpreted according to its ordinary and natural meaning, as understood by the public, rather than through an unduly narrow or overly technical interpretation.
- A reasonably intelligent person reading Policy Objective H32 would understand the policy to permit replacement dwellings subject to acceptable siting, layout and design outcomes. The wording could reasonably be interpreted to encourage revised siting where it results in improved landscape integration, reduced visual impact and a more appropriate design response to the receiving environment. The Office of the Planning Regulator (OPR) 'A Guide to the Development Plan' document emphasises that planning decisions are to be measured against the actual contents of the Development Plan itself and the adopted objectives.
- The PA and Commission have both previously considered revised sitings for replacement dwellings within wider landholdings where the proposal achieved improved landscape integration, design quality and environmental response. Precedent examples provided include ACP-322863 at Knocknapogaree, Kinsale, County Cork, PA refs. 25/60075 and 22/707 at Clashanahy, County Waterford, and PA ref. 21/498 in County Limerick.
- The proposed dwelling is sited 12 metres below the level of the approved ridgeline of houses to the north. This is to specifically avoid skyline intrusion and to allow the landform itself to absorb and visually contain the development. This responds to the Development Plan's own landscape guidance, including Appendix 8.

7.2. Observations

An observation was lodged to the Commission on 22nd June 2026 by Bridget Morrissey who is of the view that the application should be refused. The issues raised are summarised as follows:

- Whilst the stone ruins is not a registered protected structure it is a protected monument (WA038 032) and may be impacted by the proposed development.
- An EIA should have been carried out to determine the effects of the development on bat roosts in the general area of the enclosure and surrounding hedges under Article 12 of the Habitats Directive.
- The Killarney Fern (*Trichomanes speciosum*) is also protected and present at Ballyeelane as per the details from the National Parks and Wildlife Service (NPWS). The landholding is a haven for wildlife, birds, plants, mosses and lichens.
- There is a spring running down to the sea on the adjoining property which is also an SPA approximately 100 metres from the proposed house and wastewater treatment area.
- There is considerable erosion on the cliffs beneath the proposed development along with slippage which are visible from LIDAR surveys.
- The proposed dwelling will be located on an elevated and exposed site with no natural screening. It will have a negative effect on the landscape and set precedent for further development along the coast. The developments included by the applicant as examples of grants of permission do not have any relevance to this site specific development. The planning applications associated with the adjoining properties cannot be compared as these locations are outside the SPA and not overhanging a cliff. At the time of these applications, this was the only site available away from the agricultural farmyard.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation 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 and national policies and guidance, I consider that the substantive issue in this appeal to be considered is in relation to siting and layout

Siting and Layout

- 8.2. The Commission should note that the PA considered that the siting of the proposed replacement dwelling would result in a visually prominent and intrusive development within the coastal landscape classified as 'Most Sensitive' under the Waterford City and County Development Plan 2022-2028 (herein referred to as "the CDP"). The PA also had concerns that it would detract from Protected View Number 28 (View from Ardmore Round Tower over Ardmore Bay) and that it would set precedent for further development along the coastline. Overall, it considered that the development would contravene Policy Objectives L02 (Protecting our Landscape and Seascape), L03 (Landscape and Seascape Character Assessment) and L04 (Scenic Routes and Protected Views) of the CDP.
- 8.3. Furthermore, it considered that the proposed dwelling failed to meet the requirements or intention of Policy Objective H32 (Refurbishment and Extensions of Existing Structures Policy Objective) of the CDP, due to the siting of the replacement dwelling in a highly visible and exposed coastal location removed from the footprint of the exiting dwelling. The PA also raised concerns that it would set an undesirable precedent for similar proposals in the area.

Landscape and Visual Impact

- 8.4. The Commission should note that Policy Objective L02 seeks to ensure that developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area and seeks to ensure that such proposals are not unduly visually obtrusive in coastal landscapes. Policy Objective L03 outlines that there will be a presumption against developments which are located on elevated and exposed sites and where the landscape cannot accommodate such development with reasonable and appropriate mitigation. Policy Objective L04 seeks to protect Protected

Views, including views to and from the sea, from inappropriate development that would block or detract from such views. Furthermore, whilst not referenced by the PA in its assessment, the Commission should note that I also consider Policy Objective C&M 05 (Scenic Coastal Areas) to be relevant. This seeks to protect the scenic value of Waterford's coastal zone including landward and seaward views and continuous views along the coastline and manage development so it will not materially detract from the visual amenity of the coast.

- 8.5. I note that the applicants contend that the proposed development would comply with the landscape policy objectives as well as the landscape character assessment criteria set out in Appendix 8 of the CDP. The applicants state that the site was chosen due to the lower topographic levels of the landholding (being approximately 12 metres below the dwellings to the north of the landholding) and the existing dwelling being in a more visually exposed position within the site, together with the proposed single storey built form, material palette, courtyard layout, proximity to existing stone ruins and comprehensive landscape strategy which in their contention would all help minimise visual impact and integrate appropriately with the coastal landscape. Furthermore, the applicants state that the submitted Archaeological Impact Assessment (AIA) identified the presence of a historic house/farmyard within the location of the stone ruins and the proposed siting mirrors the historic choice of location for houses to use sheltered locations.
- 8.6. The Commission should note that the application was accompanied by photomontages from 4 no. viewpoints including 2 no. viewpoints approximately 4km southwest of the proposed development site at Ardmore. I note that there were no viewpoints included from the public beaches approximately 2km southwest of the proposed development site (Ballyquin and Curragh Bay). The application was also accompanied by a design statement as well as detailed landscaping proposals. I acknowledge the mitigation measures proposed by the applicants and their contention that such measures are reasonable and appropriate as envisaged by Policy Objective L03.
- 8.7. Having reviewed the Landscape Character Assessment (LCA) within Appendix 8 of the CDP, I note that the site of both the existing dwelling and proposed replacement dwelling are located within the Ardmore Head Coastal Landscape Character Area. I note that this has a sensitivity classification of 'Most Sensitive' which is described as

an area where development could easily cause a change in the character of the landscape and have an impact over a wide area. Such classifications have very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area. The Commission should note that in order for development to be considered in such areas, it must be shown not to impinge in any significant way upon the character, integrity or uniformity of the landscape when viewed from the surroundings. I note that Section 3.1 of the LCA outlines that the capacity of an area to visually absorb development will be influenced by topography, vegetation and development in the context of existing development. Proposals will be required to satisfy site suitability and technical requirements such as landscaping and screening, design, the degree to which it will give rise to suburbanisation of the countryside and suitability of site layout.

- 8.8. Having inspected the site of the proposed replacement dwelling and the area of the wider landholding, I observed the area to consist of primarily undeveloped coastal agricultural farmland. The exception to this was the northwest corner of the landholding which comprises of the existing dwelling proposed to be replaced as well as a further 2 no. dwellings to the east of this dwelling which provided a cluster of residential development along the roadside. Whilst I observed the site of the proposed replacement dwelling below the topographic level of the existing cluster, I noted that it was at a significant distance removed from the cluster. I have measured the separation distances as approximately 300 metres southeast of the existing dwelling to be replaced and approximately 240-250 metres south of the other 2 no. dwellings. Notwithstanding the lower elevation, I observed the site as an exposed and elevated landscape in close proximity to the coast. Whilst the separation distance to the coast is outlined as 150 metres, due to the topography of the lands to the south of the proposed development, which slope down towards the sea, I noted that this contributed to the exposed and elevated nature of the site with extensive views of Ardmore Bay and the coastline to the southwest. I did not observe any significant vegetation that was screening the site, nor did I consider that the existing stone ruins was providing a high degree of screening.
- 8.9. The Commission should note that I also inspected the environs of the site, including viewpoints from Curragh Bay Beach approximately 2km southwest of the proposed development site. I observed that the site of the proposed development and wider

landholding were clearly visible from the coastline. The coastal landscape appeared as an intact undeveloped natural landscape which I considered to be of high visual amenity and scenic value. Whilst I did observe the existing cluster of dwellings, I did not observe the cluster to be seriously detrimental to the coastal character or scenic value of the coast, primarily due to its further set back distance from the coast.

- 8.10. The Commission should note that I have had regard to the Guidelines for Landscape and Visual Impact Assessment (Third Edition) prepared by the Landscape Institute and Institute of Environmental Management and Assessment within this assessment. Firstly, with regards to the landscape impact, the Commission should note that I have serious concerns with the siting of the proposed replacement dwelling and its impact on the surrounding landscape. I do not agree with the applicants' contention that the development does not introduce a new pattern of development into an undeveloped coastal area. Notwithstanding the nature of the proposal being a replacement dwelling, I consider that the siting as proposed would result in an isolated dwelling away from an established cluster of dwellings in an area of undeveloped countryside. It is my view that this would lead to an unacceptable degree of suburbanisation of the countryside and coastal landscape. I consider that this would erode the rural character of the coastal landscape and would negatively impact the 'most sensitive' landscape.
- 8.11. In terms of the visual impact from viewpoints along Curragh Bay Beach, notwithstanding the proposed mitigation measures, I consider that the siting away from the established cluster and closer to the coastline on an elevated and exposed landscape would significantly impact the character, integrity and uniformity of the coastal landscape when viewed from the surrounding coastline and, furthermore, would detrimentally impact the rural character of the coastal landscape and scenic value of the area including continuous views along the coastline. Accordingly, I am in agreement with the PA that the proposed development would contravene Policy Objective L02 (Protecting our Landscape and Seascape) and Policy Objective L03 (Landscape and Seascape Character Assessment) of the CDP. Additionally, I consider that the proposed development would contravene Policy Objective C&M05 (Scenic Coastal Areas) of the CDP.
- 8.12. With regards to the impact from the Protected View No. 28 (View from Ardmore Round Tower over Ardmore Bay), I note that the distance from this protected viewpoint to the proposed development site is approximately 4.3km over Ardmore Bay, and

approximately 2km further south of Curragh Bay Beach where my concerns regarding visual impact arise. I note that the purpose of the Protected Viewpoint is to protect “views from Ardmore Round Tower over Ardmore Bay”. The Commission should note that having regard to the separation distance from the Protected View and the subject site, I do not consider that the proposed development would block or detract of views from the tower over Ardmore Bay. Therefore, I do not consider that the proposed development would contravene Policy Objective L 04 (Scenic Routes and Protected Views) of the CDP.

Precedent

- 8.13. The Commission should note that the applicants have highlighted a number of cases that in their contention demonstrates that precedent has been set for development to be sited in sensitive coastal locations. I note that these cases include house extension developments in County Waterford at Pebble Beach (PA ref. 23/60557) and Clashanahy, Whiting Bay (PA ref. 24/60216), as well as replacement dwelling developments at Clashanahy, Whiting Bay, (PA refs. 22/707 and 25/60075). A Commission appeal case relating to a replacement dwelling at Knocknapogaree, Kinsale, County Cork (ref. 322863), is also referenced by the applicants. However, the Commission should note that each case is assessed and determined on its own merits. Notwithstanding this, I consider the referenced cases to be materially different to the specifics of this case in a sensitive, elevated and exposed location.

Replacement Dwelling Policy

- 8.14. I note that Policy Objective H32 states that if a dwelling is not considered vernacular, does not make an important contribution to the heritage, appearance or character of the locality, or is not reasonably capable of being made structurally sound or otherwise improved, permission may be granted for a replacement dwelling where it can be demonstrated that the layout, siting (*my emphasis*) and design will not adversely impact on the rural character of the area, and that the development is consistent with best practice design principles for housing in rural countryside locations. I also note that Section 7.12 of the CDP states that planning permission will be considered for a new, replacement dwelling, subject to appropriate design, scale of building and normal planning considerations (*my emphasis*).

- 8.15. I note that the PA raised concerns with the classification of the development as a replacement dwelling due to it being relocated approximately 300 metres away from the dwelling to be replaced and away from an established roadside cluster of existing dwellings. I also note the applicants' response contending there is no provision within Policy Objective H32 specifying a requirement that a replacement house must remain fixed to the precise footprint of the existing structure nor is there a prohibition on relocating the house elsewhere within the landholding where it delivers a positive planning, landscape, environmental or design outcome. It is contended that the site of the proposed dwelling is a less visually obtrusive location within the wider landscape context and thus is not a more sensitive site to that of the existing dwelling.
- 8.16. Whilst I acknowledge that there is no stipulation that a replacement dwelling must be within the footprint or a certain distance from the existing dwelling, Section 7.12 and Policy Objective H32 does leave it open for such developments to be assessed subject to normal planning considerations, layout and siting. Therefore, I consider the PA's concerns regarding the distance from the existing dwelling and existing cluster of dwellings to fall under normal planning, layout and siting considerations in terms of the impact on the rural character of the area.
- 8.17. Firstly, the Commission should note that the application was accompanied by a Structural Engineering Report, prepared by a chartered engineer, which considered it more cost effective to demolish the structure due to the extent of works that would be required. Justification and rationale for demolition was also set out in the submitted Planning Report and Design Statement which considered the structure not of architectural or vernacular value. I note that the PA accepted that the structure was not of vernacular character and would require extensive works to meet current building and energy standards. Having regard to this and having regard to the Department of Housing, Local Government and Heritage's 'A Living Tradition, A Strategy to Enhance the Understanding, Minding and Handing on of Our Built Vernacular Heritage', I am satisfied that the dwelling to be replaced is not of vernacular importance and a replacement dwelling can be considered in accordance with Section 7.12 and Policy Objective 32 of the CDP.
- 8.18. However, I share the PA's fundamental concerns regarding the siting of the proposed replacement dwelling. I have already determined above that the site of the proposed replacement dwelling is an elevated and exposed location in an area of undeveloped

coastline and therefore I do not agree with the applicants' arguments that the site is more sensitive. I consider that the siting approximately 300 metres away from the existing dwelling to be replaced, and outside its curtilage, and approximately 240-300 metres away from an established cluster of dwellings closer to the coastline would adversely impact on the rural character of the area. It is my view that it is significantly removed from the existing dwelling and established cluster and, accordingly, I consider that the proposed siting would contravene Policy Objective H32 (Refurbishment and Extensions of Existing Structures) of the CDP.

Other Issues

Landslide Susceptibility

- 8.19. I note that the observer has raised concerns regarding erosion on the cliffs along with slippage south of the proposed development site. Having reviewed the Geological Survey Ireland (GSI) landslide data map, the Commission should note that the area of the proposed replacement dwelling is located within an area of 'moderately high' landslide susceptibility. Lands to the south of the site, outside of the applicants' landholding, are designated as 'High' landslide susceptibility. I note that the applicants provided no information as part of the application and appeal in relation to this issue. The Commission should note that this is a new issue, and it may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal, it may not be considered necessary to pursue this matter.

Biodiversity

- 8.20. I note the concerns raised by the observer with regards to Appropriate Assessment (AA) and Killarney Fern (*Trichomanes speciosum*). I refer the Commission to Section 9 and Appendices 2a and 2b of this report regarding AA. With regards to Killarney Fern, having reviewed the National Parks and Wildlife Service (NPWS) Flora (Protection) Order 2022 Map Viewer, which shows records for Vascular Plants, Charophytes and Lichens, and available on the NPWS website, I note that the site of the proposed development is located within a 10km x 10km grid where Killarney Fern is present. The observer has provided no evidence that the species is present within the subject site and I note that the submitted surveys included within the NIS and at appeal stage did not record any evidence of the species on site.

Wastewater Treatment

- 8.21. The site is underlain by a locally important aquifer and has an 'Extreme' vulnerability level as per the GSI data maps. The application was accompanied by a site characterisation form (SCF). The trial hole depth was to 1 metre with the SCF outlining that bedrock was encountered at that depth. No mottling was observed and there was no water encountered within the trial hole after 48 hours. The soil conditions encountered comprised of deep loam topsoil and silt with loose cobbles/rock fragments. The maximum number of bedrooms is outlined as 5 and the maximum number of residents is outlined as 7.
- 8.22. The percolation test results of the SCF recorded a subsurface percolation value of 16.11min/25mm indicating that the site is suitable for a secondary treatment system. It is proposed to install a secondary treatment system and polishing filter. I note that Table E1 of the Environmental Protection Agency's (EPA) 2021 Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) outlines that locally important aquifers with an Extreme vulnerability requires a ground protection response of R2¹ which indicates that a wastewater treatment system is acceptable subject to normal good practice. It is proposed to overlay the percolation pipes with 150mm of protection stone and 200mm of topsoil to ensure a minimum depth of 0.9m to bedrock. I am satisfied that this can be achieved on the basis of the results of the SCF. Accordingly, I am satisfied that the proposed development complies with Policy Objective H33 (Refurbishment and Extensions of Existing Structures) of the CDP.

9.0 Appropriate Assessment (AA)

- 9.1. I refer the Commission to Appendices 2(a) and (b) of this report. In screening the need for Appropriate Assessment (AA), it was determined that the proposed development could result in significant effects on the Helvick Head to Ballyquin Special Protection Area (SPA) (Site Code 004192) in view of the conservation objectives of this site and that AA under the provisions of Section 177V was required.
- 9.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted (including the additional bird survey report submitted at appeal stage), and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Helvick Head to Ballyquin SPA can be excluded

in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects. Accordingly, I consider that the proposed development does not contravene Policy Objectives BD 04 (Appropriate Assessment) and BD 05 (Protection of European Sites) of the CDP. My determination is based on the following:

- Detailed assessment of construction and operational impacts.
- The nature and characteristics of the subject site comprising of agricultural grassland.
- The results of the additional bird survey report undertaken on 15th May 2026 which did not record evidence of Chough breeding on the cliff south of the proposed house location or on the ground within the proposed site.
- The proposed development will not affect the attainment of conservation objectives for the SPA.

10.0 Water Framework Directive (WFD) Screening

- 10.1. The subject site is located approximately 150 metres north of the Eastern Celtic Sea Coastal Waterbody (IE_SE_050_0000) which is classed as high ecological status or potential and not at risk for the 2019-2024 monitoring period. The site is underlain by the Helvick Head Ground Waterbody (IE_SE_G_073) which is classed as Good and not at risk for the 2019-2024 monitoring period. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the European Union Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (EPA), 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. 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.

- 10.3. 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. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

It is my recommendation to the Commission that permission is **REFUSED** for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. The site is located within the Ardmore Head Coastal Landscape which is designated as 'Most Sensitive' within the Landscape Character Assessment of the Waterford City and County Development Plan 2022-2028. These areas are described as very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area. Having regard to the pattern of residential development in this sensitive area comprising of an established cluster of dwellings to the northwest of the site of the proposed replacement dwelling, to the siting of the proposed replacement dwelling at a distance significantly removed from the established cluster of dwellings, and within an undeveloped, elevated and exposed area of the coastal landscape, it is considered that the proposed development would adversely impact the rural character of the area and would seriously injure the visual amenity and high scenic value of the 'Most Sensitive' coastal landscape. Accordingly, it is considered that the proposed development would contravene Policy Objective L02 (Protecting Our Landscape and Seascape), Policy Objective L03 (Landscape and Seascape Character Assessment) and Policy Objective C&M05 (Scenic Coastal Areas) of the Waterford City and County Development Plan 2022-2028.

Furthermore, it is considered that the siting of the proposed development at a distance significantly removed from the dwelling to be replaced would adversely impact the rural character of the area and would therefore contravene Section 7.12 and Policy Objective H32 (Refurbishment and Extensions of Existing Structures) of the Waterford City and County Development Plan 2022-2028. Overall, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Declaration

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.

Gary Farrelly
Planning Inspector

8th September 2026

Appendix 1(a): EIA Pre-Screening

Case Reference	PL-501394-WD-26
Proposed Development Summary	Demolition of existing dwelling and associated structures and construction of replacement dwelling, wastewater treatment system and associated works
Development Address	Ballyeelinan, Ardmore, County 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.	

☒ 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)	Part 2, Class 10(b)(i): Construction of more than 500 dwelling units. Class 14: Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
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)

Appendix 1(b): Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Whilst the landholding extends to approximately 10.15 hectares, the footprint of the existing dwelling and the proposed replacement dwelling is modest. The floor area of the total demolition works amounts to 113sqm and the proposed dwelling will measure 379sqm. It is not considered that the overall development would require the use of substantial natural resources or give rise to significant risk of pollution or nuisance.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site of the proposed development is located within a rural coastal landscape approximately 150 metres from the coast. The dwelling to be demolished is located approximately 350 metres from the coast. The site is located within an area of 'Most Sensitivity' as outlined in the landscape character assessment of the CDP. I have determined above within my planning assessment that the proposed development would result in a significant impact on the landscape and rural character of the area, however, this does not equate to significant environmental effects within the meaning of the EIA Directive. My concerns in relation to landscape and visual amenity are localised concerns. The site is located approximately 130 metres from recorded monument WA038-032 (Ringfort). The application was accompanied by an Archaeological Impact Assessment which concluded that there would be

	no negative impact on archaeological features with no mitigation required. The site is located within the Helvick Head to Ballyquin SPA and I consider that these AA issues can be adequately dealt with under the Habitats Directive as there is no likelihood of other significant effects on the environment. I refer the Commission to Appendices 2(a) and 2(b) in this regard.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, to my conclusions on AA within Section 9 and Appendix 2(b) of this report, to 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.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.

There is a real likelihood of significant effects on the environment.	EIAR required.
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Inspector: _____ Date: 8th September 2026

Appendix 2(a): AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501394-WD-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	The project involves the demolition of an existing dwelling and the construction of a replacement dwelling, wastewater treatment system and associated works.
Brief description of development site characteristics and potential impact mechanisms	The subject site measures 10.15 hectares and is located within the Helvick Head to Ballyquin SPA (Site Code 004192). The site of the proposed development measures approximately 0.4 hectares. Due to the nature and location of the project within the SPA there is potential for loss of habitat as well as noise and disturbance to the qualifying interests of the SPA. The site of the proposed development comprises of improved agricultural grassland habitat, bordered by fences, walls and hedgerows.
Screening report	Yes (Chapter 3 of submitted Natura Impact Statement)
Natura Impact Statement (NIS)	Yes
Relevant submissions	The Commission should note that an observation has raised concerns under Article 12 of the Habitats Directive regarding the impact of the development on bat roosts in the area of the stone enclosure and surrounding hedges. The observer notes that bats are part of the Natura 2000 Network as well as the Killarney Fern which is also present in the area.

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

One European site is within the zone of influence of the proposed development as identified within Table 1 below. The submitted screening report identified a further 5 no. European sites in a wider area (15km), including Ardmore Head SAC, Blackwater River SAC, Blackwater Estuary SPA, Helvick Head SAC and Dungarvan Harbour SPA, but rules these out for further examination due to separation distance and lack of ecological connection. I am satisfied that these can be excluded from further consideration.

I note that the Lesser Horseshoe bat (*Rhinolophus hipposideros*) [1303] is the only bat species in Ireland designated as a European site qualifying interest. I note that there are no such SACs in proximity to the site of the proposed development. I also note that *Vandenboschia speciosa* (Killarney Fern) [6985] is a qualifying interest of the Blackwater River SAC, however, the proposed development site is not ecologically connected to this SAC and its closest point is located approximately 4.2km north of the landholding. Therefore, I am satisfied that these can be excluded from further consideration.

Table 1

European Site (code)	Qualifying interests	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Helvick Head to Ballyquin SPA (004192)	• Cormorant • Peregrine • Herring Gull • Kittiwake • Chough	The subject site is within the European site.	Yes	Yes

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites		
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
Qualifying interests		
	Impacts	Effects
Helvick Head to Ballyquin SPA • Cormorant • Peregrine • Herring Gull • Kittiwake • Chough	• Habitat clearance due to works being within SPA • Noise and disturbance • Surface water runoff • Invasive Species • Wastewater treatment	• Habitat loss and fragmentation • Noise and disturbance to QI species • Deterioration in water quality • Spread of invasive species
Yes	Likelihood of significant effects from proposed development (alone):	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that the proposed development alone would not result in significant effects on Helvick Head to Ballyquin SPA from effects associated with the construction and operational phases of the development. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.		

Appendix 2(b) AA

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, Section 177V of the Planning and Development Act 2000, as amended, are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the project in view of the relevant conservation objectives of the Helvick Head to Ballyquin SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement (NIS) prepared by Cork Ecology, including the additional bird survey report submitted as part of the appeal documentation.
- National Parks and Wildlife Service (NPWS) Conservation Objectives Supporting Document for the SPA and related publications.
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).

Submissions/observations

The Heritage Officer (HO) of the PA raised concerns that facilitation of the proposed development would set precedent for other similar development within the SPA leading to cumulative impacts which would lead to an adverse impact on the integrity of the SPA. The PA's area planner (AP) concurred with the findings and conclusions of the HO. The AP considered that the impacts could effect key attributes such as foraging habitat and disturbance levels which are central to achieving the site-specific conservation objective of restoring Chough to favourable conservation condition. The AP considered the direct loss of approximately 0.4 hectares of habitat within the SPA would contribute to incremental habitat fragmentation, notwithstanding the scale of the loss. The AP considered that despite the conclusions of the NIS, the potential for disturbance during construction and operation combined with concerns regarding precedent, that it could not be excluded, beyond reasonable scientific doubt, that the proposal would adversely affect the integrity of the SPA.

Helvick Head to Ballyquin SPA (004192)

Summary of key issues that could give rise to adverse effects (from screening stage):

- Loss of Habitat
- Noise and disturbance
- Spread of Invasive Species
- Deterioration in Water Quality

Qualifying Interest (QI) features likely to be affected	Conservation Objectives (Targets and Attributes)	Potential adverse effects	Mitigation Measures (summary)
A017 Cormorant (Phalacrocorax carbo)	To restore the favourable conservation condition defined by attributes and targets including a stable or increasing long term trend in the breeding population size, no significant disturbance levels to breeding sites and a sufficient number of foraging locations, areas of suitable habitat and available forage biomass to support the population target.	<u>Loss of Habitat / fragmentation</u> The NPWS' SSCO 2025 document states that breeding populations typically nest on flat or rocky islets or sea stack tops, less often on cliffs. The applicant's additional bird survey report recorded Cormorants feeding offshore, flying east and west along the coastline and perched on rocks south of the proposed house location. Due to the location of the proposed development on improved agricultural grassland, and to the findings of the NIS no adverse effect in terms of loss or fragmentation of habitat associated with this QI is expected. <u>Noise and Disturbance</u> This NIS concluded that the proposed construction of the development would not likely cause disturbance to breeding Cormorants due to limited breeding habitat in the vicinity of the development and the 150 metre separation distance between the house and coast. This conclusion was also based on the temporary and short term nature of construction activities. Having regard to the findings of the NIS, I am satisfied that no significant effects in terms of noise and disturbance on the QI species is likely.	<u>Section 5 of NIS</u> • Site preparation and construction works to be only confined to the development site • Best practice construction measures • No disturbance to adjacent areas during construction or operation • No discharges of contaminated water to surface or ground water.

		<u>Deterioration in Water Quality</u> There is potential for silt and hydrocarbon spillages to surface water during the construction phase. The proposed wastewater treatment system will be installed in compliance with EPA standards. <u>Spread of Invasive Species</u> The NIS outlines that no such high risk invasive species were recorded during the January 2026 walkover survey. There will be no soil or similar material imported to the site during construction and therefore there is no risk of the spread of invasive species.	
A103 Peregrine (Falco peregrinus)	To restore the favourable conservation condition defined by attributes and targets including an increasing breeding population size, sufficient availability of suitable nesting sites to maintain the population and no significant disturbance levels to breeding sites.	<u>Loss of habitat / fragmentation</u> The NPWS SSCO document states that suitable nesting sites comprise of ledges or crags along coastal cliffs as well as on the ground on heathery slopes or steep sand banks. The NIS outlines that the January 2026 survey did not record peregrines within the vicinity of the site, however, the May 2026 additional survey did record a pair flying over the site and the sea. There were no observations made of the pair flying in and out of the stretch of cliff south of the proposed development location, and the additional bird survey report concludes that the pair is likely nesting on higher, rocky cliff east of the proposed site. The submitted NIS outlines that there will be no change to any cliff habitat and concludes that apart from reducing improved agricultural grassland habitat, the proposed development is not predicted to result	<i>Same as above</i>

		in any change in the availability of foraging locations within the SPA. Due to the location of the proposed development on improved agricultural grassland, and to the findings of the NIS, no adverse effect in terms of loss or fragmentation of habitat associated with this QI is expected. <u>Noise and Disturbance</u> This NIS concluded that the proposed construction of the development would not likely cause disturbance to breeding Peregrines due to limited breeding habitat in the vicinity of the development and the 150 metre separation distance between the house and coast. This conclusion was also based on the temporary and short term nature of construction activities. Having regard to the findings of the NIS, I am satisfied that no significant effects in terms of noise and disturbance on the QI species is likely. <u>Deterioration in Water Quality</u> <i>Same as above</i> <u>Spread of Invasive Species</u> <i>Same as above</i>	
A184 Herring Gull (Larus argentatus)	To restore the favourable conservation condition defined by attributes and targets including a stable or increasing long term trend in the breeding population size, no significant disturbance levels to breeding	<u>Loss of habitat / fragmentation</u> The NPWS' SSCO 2025 document states that coastal Herring Gull colonies are located along rocky coastlines with cliffs, islets and offshore islands. They can forage over both terrestrial and aquatic habitats. The NIS cliff habitat south of the proposed development may be suitable	<i>Same as above</i>

	sites and a sufficient number of foraging locations, areas of suitable habitat and available forage biomass to support the population target.	for breeding sites, although the cliffs are low and grassy down to the sea with limited opportunities for nesting. The additional bird survey report recorded several sightings of Herring Gulls feeding on the rocky shore west of the site and flying east and west along the coastline. There were no records of them flying in and out of the cliff south of the proposed development. Due to the location of the proposed development on improved agricultural grassland, and to the findings of the NIS no adverse effect in terms of loss or fragmentation of habitat associated with this QI is expected. <u>Noise and Disturbance</u> This NIS concluded that the proposed construction of the development would not likely cause disturbance to breeding Herring Gull due to limited breeding habitat in the vicinity of the development and the 150 metre separation distance between the house and coast. This conclusion was also based on the temporary and short term nature of construction activities. Having regard to the findings of the NIS, I am satisfied that no significant effects in terms of noise and disturbance on the QI species is likely. <u>Deterioration in Water Quality</u> <i>Same as above</i> <u>Spread of Invasive Species</u> <i>Same as above</i>	
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A188 Kittiwake (<i>Rissa tridactyla</i>)	To restore the favourable conservation condition defined by attributes and targets including a stable or increasing long term trend in the breeding population size, no significant disturbance levels to breeding sites and a sufficient number of foraging locations, areas of suitable habitat and available forage biomass to support the population target.	<u>Loss of habitat / fragmentation</u> The NPWS' SSCO 2025 document states that typically Kittiwake is a cliff-nester on ledges of offshore islands, sea stacks or inaccessible areas of coastal mainland. It notes that nesting Kittiwake are now entirely located at Helvick Head. It is a surface feeding seabird. The applicant's additional bird survey report recorded no sightings of the species and concluded that the species does not breed on the cliffs south of the proposed development. Due to the location of the proposed development on improved agricultural grassland, and to the findings of the NIS, no adverse effect in terms of loss or fragmentation of habitat associated with this QI is expected. <u>Noise and Disturbance</u> Having regard to the findings of the NIS, to the breeding location at Helvick Head and foraging attributes associated with this QI, no significant effects in terms of noise and disturbance on the QI species is likely. <u>Deterioration in Water Quality</u> <i>Same as above</i> <u>Spread of Invasive Species</u> <i>Same as above</i>	<i>Same as above</i>
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A346 Chough (Pyrrhocorax pyrrhocorax)	To restore the favourable conservation condition defined by attributes and targets including an increasing breeding population size, a stable or increasing population trend, the maintenance of sufficient quality and quantity of coastal grassland and other relevant habitats to support the population targets, the maintenance of the distribution of preferred roosting sites and no significant disturbance levels that would significantly impact Chough.	<u>Loss of habitat / fragmentation</u> The NPWS' SSCO 2025 document states that most of the population nest along coastal cliffs or in sea caves. Coastal pairs tend to commute along the coast from breeding sites, rather than inland. Grazed habitats with short swards of <5cm are typically preferred and areas of bare ground, where soils are easier to probe e.g. paths, along with earth banks and stone banks. Maritime vegetation on cliffs, especially in spring, is also favoured. Thus, sufficient foraging habitat within 350m of the coastline, where Chough are known to breed, is essential to support breeding pairs. The NIS considers that the habitat within the proposed development site is not of valuable foraging habitat for Chough and on the basis of this the proposed development would not result in any significant loss of foraging habitat. The majority of habitat within the site will remain intact following construction and will be managed in accordance with the land management and sustainable living planning supporting statement and the site analysis and zoning plan (both included as appendices of the NIS). No coastal grassland or cliff habitat will be disturbed as a result of the proposed development. Having regard to the findings of the NIS, I consider that the proposed development would not result in an adverse impact on the integrity of the SPA in terms of loss of habitat.	• Implementation of landscape plan (described as positive impact within NIS) • Other mitigation measures outlined above.
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		<u>Noise and disturbance</u> The submitted NIS describes the current land use as intensive agriculture which includes regularly used farm machinery and thus species within the vicinity would be habituated to such activity. On the basis of the habitat of the site, the NIS concludes that Chough is unlikely to use the area regularly. On this basis, to the 150 metre separation distance to the coast and due to the short term and temporary nature of the construction works, the NIS concludes that there would be no significant effects on the QI populations as a result of noise and disturbance during the construction phase. <u>Deterioration in Water Quality</u> <i>Same as above</i> <u>Spread of Invasive Species</u> <i>Same as above</i>	
Assessment of issues that could give rise to adverse effects: The submitted NIS included an ecological appraisal of the site which recorded the site consisting of improved agricultural grassland, bordered by fences, with some walls and hedgerows consisting of species such as Hawthorn and Bramble. Coastal habitat immediately south of the proposed house location consists of grassland habitat with few natural crevices within the cliff faces for nesting. Loss of Habitat The proposed development site is located within improved agricultural grassland. This was not considered suitable foraging habitat for Cormorant or Kittiwake, limited suitable foraging habitat for Herring Gull and not valuable foraging habitat for Peregrine. The habitat could potentially provide limited foraging habitat for Chough, however, the NIS notes that this species typically prefers close-grazed habitats with			

short swards of less than 5cm, along with areas of bare ground, where soils are easier to probe. Maritime vegetation on cliffs is also favoured. The NIS considers that the habitat within the proposed development site is not of valuable foraging habitat for Chough and on the basis of this the proposed development would not result in any significant loss of foraging habitat. The majority of habitat within the site will remain intact following construction and will be managed in accordance with the land management and sustainable living planning supporting statement and the site analysis and zoning plan (both included as appendices of the NIS). No coastal grassland or cliff habitat will be disturbed as a result of the proposed development. The NIS has also calculated the area of habitat that would be lost as a result of the proposed development as approximately 0.4 hectares which accounts for approximately 0.05% of the 784.3 total area of the SPA.

Mitigation Measures

The submitted NIS describes the submitted landscaping plan as a positive impact from the proposed development. This would include rotational grazing in some areas of the proposed site, along with the creation of biodiverse grassy swards and commitments to minimise the use of anti-parasitic treatments and use of fertilisers and pesticides. It is stated that these actions will likely improve the condition of foraging habitat for Chough.

Conclusion

Having regard to the findings of the NIS, including the results of the ecological appraisal of the site, to the proposed mitigation measures, to the Conservation Objectives for the QI species (including the attributes and targets associated with foraging, roosting and breeding), I consider that the proposed development would not result in an adverse impact on the integrity of the SPA in terms of loss of habitat.

Noise and disturbance during construction

The site of the proposed development is described as being approximately 150 metres from the coast. In addition to the bird survey undertaken on 15th January 2026, an additional bird survey was undertaken on 15th May 2026 and submitted as part of the appeal documentation. Whilst one Chough was recorded flying to the west of the proposed site, no evidence of breeding Chough was identified on the stretch of cliff south of the proposed house location during the survey period. A pair of Peregrines were recorded flying over the sea to the south of the site with

their expected nesting site stated as the higher rocky cliffs east of the site. There were several sightings of Cormorant feeding offshore and flying east and west along the coastline, however, there was no evidence of them flying in and out of the stretch of cliff south of the proposed house location. There were several sightings of Herring Gull feeding on the rocky shore to the west of the proposed house location and flying east and west along the coastline, however, there was no evidence of them flying in and out of the stretch of cliff south of the proposed house location. There were no sightings of Kittiwakes and based on the conservation objectives for the SPA which state that they are now entirely located at Helvick Head, it was concluded that they do not breed on the cliffs south of the proposed house location. The section of cliff was also scanned from Ballyguin beach using a telescope and it was concluded that due to the habitat of mostly gorse, bramble and bracken, that it was not suitable for breeding Cormorants or Herring Gull.

The submitted NIS describes the current land use as intensive agriculture which includes regularly used farm machinery and thus species within the vicinity would be habituated to such activity. On the basis of the habitat of the site, the NIS concludes that Chough as well as the other QI species are unlikely to use the area regularly. On this basis, to the 150-metre separation distance to the coast and due to the short term and temporary nature of the construction works, the NIS concludes that there would be no significant effects on the QI populations as a result of noise and disturbance during the construction phase.

Mitigation Measures

Mitigation measures are outlined in Section 5 of the submitted NIS and include the confinement of site preparation and construction to the site of the development with the area clearly marked out in advance of works and no disturbance to any adjacent area.

Conclusion

Having regard to the findings of the NIS including the updated bird survey submitted as part of the appeal documentation, to the proposed mitigation measures, to the separation distance of the proposed development to the coast and to the Conservation Objectives for the QI species (including the attributes and targets associated with foraging, roosting and breeding), I consider that the proposed development would not result in an adverse impact on the integrity of the SPA in terms of noise and disturbance.

In-combination effects

I acknowledge the Heritage Officer's concerns regarding precedent for further development within the SPA, however, the in-combination assessment is based upon plans or projects that are completed, approved, or proposed. I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has considered a number of projects within the vicinity of the site.

Findings and Conclusions

The applicants determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the Helvick Head to Ballyquin SPA in view of the conservation objectives. Based on the information provided, I am satisfied that adverse effects arising from proposed development can be excluded. No direct impacts are predicted. Indirect impacts would be temporary in nature and I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented. No significant in combination effects are predicated.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the Helvick Head to Ballyquin SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.