



An
Coimisiún
Pleanála

Inspector's Report

ABP-320896-24

Development	Construction of a two-storey apartment with balconies, connection to public sewer and watermain along with all ancillary works
Location	The Quay, Passage East, Co Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2360411
Applicant	Amy Cunningham
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Rose Bell.
Observer	None
Date of Site Inspection	8 th August 2025
Inspector	Ann Bogan

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Appendix 1 – Form 1: EIA Pre-Screening & Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The site is located in the village of Passage East, County Waterford. The village has a high-density historic core, made up of terraces of varied 2-3 storey buildings, some along narrow streets, and others fronting onto small squares.
- 1.2. The site, which faces north onto The Quay and the estuary, is a vacant infill site, stated to be 50sqm in area. It previously formed part of a commercial garage, the front wall of which is still in place. The remainder of the garage site has been integrated as part of the rear garden of a dwelling which fronts onto Barrack Street to the south-west, with vehicular gates and railings opening onto The Quay. The site backs onto Passage East Garda Station, which is on the Record of Protected Structures.
- 1.3. There is a two storey plus dormer dwelling on the adjoining plot to the west (the appellant's), with no windows in the side elevation onto the site. There is also a two-storey dwelling beyond the vehicular gate and railings to the east. Both of these houses have balconies in the front elevation at first floor level.
- 1.4. The Quay has no footpaths, has speed bumps for traffic calming and is one of the routes used by vehicles exiting the Passage East to Ballyhack ferry.

2.0 Proposed Development

- 2.1. The proposed development consists of demolition of the front wall of the former garage and construction of a detached two storey, two bed dwelling (described as an apartment in application) fronting onto the street, with ground floor partly set back from the street frontage.
- 2.2. A pedestrian gate leads to a small side yard. The building backs directly onto the rear boundary with no rear yard. Balcony is proposed in side elevation off first floor kitchen/living area, as well as smaller balconies on the front elevation. Two bedrooms are located at ground floor level.
- 2.3. Following receipt of further information, the proposed design has been altered to a one-bedroom dwelling. Overall floor area has been reduced from 74sqm to 68.5sqm and the size of the side balcony increased from 4.7sqm to 7.3sqm. Ground floor amenity space in the revised design is stated as 13sqm. Projecting front balconies

replaced by 'Juliet' balconies. One of the bedrooms at ground floor level has been changed to a living room.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 8 largely standard conditions.

Condition No 2 requires details of balcony and railing designs to be submitted to and agreed with the Planning Authority, prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Further information (FI) was requested in relation to:
 - Adequacy of private amenity space and applicant invited to justify why additional space could not be provided on adjoining land in ownership of applicant and previously part of garage site
 - As site is located within Flood Zones A and B and proposed development is classed as a 'vulnerable use', further details requested re compliance with Flood Risk Guidelines
 - Confirmation that front balconies which overhang road is compliant with District Engineer requirements
 - Confirmation from OPW re right of way to Garda Station
 - As site is within an Architectural Conservation Area (ACA), submission of an Architectural Heritage Impact Assessment (AHIA)
- Following receipt of FI, the redesign of the building to provide for a one-bedroom dwelling, involving reduction in floor area, increase in private open space, bedroom changed to living area and replacement of projecting front balconies with 'Juliet' balconies, was considered acceptable, taking into account 'Sustainable Residential Development and Compact Settlement Guidelines'. Flood risk details, confirmation of right of way provided through adjoining property and heritage assessment, were also

considered acceptable and the Planning Officer recommended permission for the revised development, subject to conditions. In the first report, a contribution in lieu of parking was considered appropriate. However, I note that, based on the calculation included in the in the second Planner's Report after receipt of FI, a contribution for car parking was not included in the development contribution condition attached to the decision.

- The planning report considered that the proposal is not for a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended, and stated the Planning Authority is satisfied that EIA is not required.
- A Habitats Directive Screening Assessment concluded "the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 Site".

3.2.2. Other Technical Reports

- None

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

Two observations were made by the appellant. The issues raised are largely similar to those raised in the appeal.

4.0 **Planning History**

On site

19/801 Amy Cunningham: New 3 bed dwelling, connection to public sewer, associated site works & services. Deemed withdrawn following further information request. Further information expressed concerns in relation to design, shortfall in private amenity space, details re retaining access to Garda Station, request to consult with the National Monuments Service, as site in a national monument zone of notification, Uisce Eireann details etc.

17/76 Anne O'Rourke Development consisting of the following: 1) Demolition of existing derelict garage, 2) Construction of a new three storey dwelling house with all ancillary site services. Deemed withdrawn following further information request, which included concerns re the subdivision of garage site and inadequate private amenity space.

Adjoining site

17/77 Amy and Lawrence Cunningham: Permission granted for development consisting of the following: 1) Change of use from commercial to residential, 2) Modifications to front and rear facades, 3) internal modifications and all associated site works at Barrack Street (which is on the Record of Protected Structures). Site incorporated part of former garage site as amenity space for dwelling.

5.0 Policy Context

Waterford City and County Development Plan 2022-2028

Zoned Rural Village: Protect and promote the character of the rural village and promote a vibrant community appropriate to available physical and community infrastructure.

Site is located within Passage East Architectural Conservation Area

Within 150m of Development Plan Objective: DO1 Passage East/ Crooke- DO1 It is an objective of the Council to support and facilitate the development of the Passage East harbour area and fishing industry.

Volume 2 Development Management Standards:

Table 3.1 Private Open Space:

- All houses should have an area of private open space of a suitable gradient, exclusive of car parking, to the rear of the building line. The minimum area of private open space to be provided shall be in accordance with Table 3.2 for all new residential units.
- The prescribed private amenity space will allow for a private amenity area, which can accommodate the storage of bins/garden shed etc., and the

provision of an area for vegetable growing etc. In certain circumstances, the standards may be reduced for smaller houses if the Planning Authority considered it acceptable, however the area may not be less than 50 sq. m.

Table 3. 2 Minimum Private Open Space Requirements for Dwelling Units	
House Type/ No. of bedrooms	Minimum Private Open Space
1 – 2 bedrooms A reduced quantum of private open space may be considered in respect of housing for older people/ sheltered housing etc.	50 sq.m
3 bedrooms	60 sq.m
4 bedrooms (or more)	75 sq.m

Section 7.1 and Table 7.1 Car Parking requirements

Parking standards are set as ‘maxima’ standards. Parking space in residential developments can be provided on-street or on-site. In all areas other than Waterford City “(unless otherwise deemed not to be required on a site-by-site basis and excluding apartment developments)”:

1-2 bedroom dwellings require: 1 parking space

Note below table 7.1:

“The above car parking standards shall be applied at the discretion of Waterford City & County Council having regard to the availability and adequacy of on street parking, existing or proposed off street parking to serve the development and the overall locational context of the proposed development”.

The Development Contribution Scheme provides for a contribution in lieu of car parking of €2100, and allows a 50% reduction for town centre locations and infill sites in town or village centres.

Landscape Designation

Site is situated within a 'Most Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment as per WCCC Development Plan 2022 - 2028.

5.1. **Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024,

SPPR 2 Minimum Private Open Space Standards for Houses.

Section 5.3.2 Private Open Space for Houses

“Well-designed private open space forms an integral part of houses and is essential for health and wellbeing. The minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling. A more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied.”

SPPR 2 - Minimum Private Open Space Standards for Houses

“It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

1 bed house 20 sqm.

2 bed house 30 sqm

3 bed house 40 sqm

4 bed + house 50 sqm

..... For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity”.

The Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009.

5.2. Natural Heritage Designations

- Site is 0.07km South West of the River Barrow and River Nore SAC Special Area of Conservation (Site Code: 002162 Version: 1.00999999046)
- Site is 8.68km North West of the Bannow Bay SPA Special Protection Area (Site Code: 004033 Version: 1.01)

6.0 EIA Screening

- 6.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See attached EIA Form 1 Pre-screening and Form 2 Preliminary Examination).

7.0 The Appeal

7.1. Grounds of Appeal

- Applicant failed to include details of land in her ownership outside application site, as required under Article 22(2)(b) (i) of the Planning and Development Regulations 2001, therefore application is invalid.
- Requests the Commission to invalidate the application and references judgement of Justice Hyland in Sweetman v An Bord Pleanála
- Further information request invited applicant to extend application site to include part of site of former garage, creating opportunity to provide additional amenity space and address unauthorised status of gates and railings, but applicant declined to increase application site or clarify extent of ownership
- Asserts drawings are inaccurate and misleading, do not accurately show full extent of balcony projection, and whether it is supported from ground or cantilevered

- Revised drawings show bedroom re-labelled living room, appears to be attempt to reduce requirement for private open space to that required for a one bed unit rather than a two-bed unit
- Considers the private open space to be inadequate and not in keeping with local and national standards.
- Objects to balcony which is within 0.2m of gable wall, on grounds of noise and nuisance and difficulty of maintaining her gable wall, and existing dampness issue would further deteriorate due to lack of daylight
- While windows of first and second floor windows of appellants house face onto the street, they are close to the balcony and noise is a major concern
- Due to poor quality of space below the balcony, which will receive no natural daylight, all outdoor activity of the house will be on side balcony
- Having regard to serious concerns raised by Planning Authority in previous applications e.g. 19/801 and during pre-planning discussions, difficult to understand why such substandard space permitted
- Omitting side balcony would also allow access to maintain gable wall; asserts appellant has long standing legal entitlement to maintain her property from within application site
- Extending site eastwards would have allowed for off street parking to be provided and issue of unauthorised gates and railings on applicant property to be addressed
- Permission should not have been granted without off street parking as Quay has two-way traffic and no footpaths and on-street parking would restrict traffic
- Condition No 2 requiring details of balconies and railings to be submitted to and agreed with Planning Authority before commencement of development, is considered unreasonable as denies appellant opportunity to make observations on the details

- Request Commission to refuse permission on grounds of inadequate private open space provision and lack of parking, or that balcony be omitted and doors replaced by window or Juliet balcony.

7.2. Applicant Response

- Re allegation that application is invalid, both Planning Authority (PA) and applicant were aware of adjacent land in ownership of applicant, no objection was made on this issue in the submission to the PA on the application
- Attempt to include the matter now is spurious, vexatious and should be disregarded
- Applicant gave her address as adjoining property and sets out her interest in lands in immediate vicinity in the form for Cert of Exemption from Section 96 of Planning and Development Act, thereby not misleading PA in the application
- Proposed site is separate folio to adjoining lands, and lands are in urban location; blue line whether shown or not would not have influenced Council decision
- Refers to planner's report which took submission into account and concluded access to carry out works to adjoining property is civil matter and considers proposal will not give rise to overlooking or lack of privacy
- Drawings are not inaccurate or misleading; existing walls are splayed in various directions and therefore roof and wall angles vary
- Balcony is clearly outlined and supporting column is shown on plan
- Living area and overall area of dwelling has been reduced, requiring additional living space, therefore ground floor bedroom changed to living space.
- Quotes SPPR2 Minimum Private Open Space Standards for Houses from Sustainable Residential Development and Compact Settlement Guidelines for

Planning Authorities, 2024, and points out relaxation of private open space provision may be allowed on smaller infill sites, such as this

- Given proximity of nearby public open space including playground and beach, proposal has adequate amenity space provided
- Re impact and quality of private open space, appellant has balcony in close proximity to neighbouring houses which is nature of streetscape and built-up areas and does not contravene planning standards
- Proposed balcony will have plenty of sunlight. Covered area below will provide sheltered spaces in wet weather, an essential design factor for occupants to spend additional time out doors
- Re parking, refers to planner's report which refers to Development Plan requirement for 1-2 parking spaces and conclusion that car parking development contribution would be appropriate
- All details required under Condition No 2 will be discussed and agreed with Planning Authority
- Refers to Architectural Heritage Impact Assessment submitted to PA and planner's report conclusion that proposed design reflects the historic elements of village centre and "harmonises with streetscape in terms of height, scale and massing".

7.3. Planning Authority Response

- None

7.4. Observations

- None

7.5. Further Responses

- None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including 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 and national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Compliance with zoning objective
- Quality and quantity of private open space
- Impact on residential amenity
- Car parking
- Other issues
- Validity of application

8.2. **Compliance with zoning objective**

8.2.1. The development is described in the application as a two-storey apartment, although in reality is a detached, own door dwelling, albeit on a confined site. In the re-design submitted under further information, it is described as a one-bedroom dwelling.

8.2.2. The zoning of the area is 'Rural Village' and it aims 'to protect and promote the character of the rural village and promote a vibrant community appropriate to available physical and community infrastructure'. The village is predominantly residential with some commercial uses. The construction of a dwelling on this vacant and derelict infill site is in accordance with the objective of protecting the character and vibrancy of the village and is therefore acceptable in principle, subject to the detailed considerations below.

8.3. **Quality and quantity of private open space**

8.3.1. The site has an area of approximately 50sq m, and the proposed dwelling backs directly onto the rear boundary and fronts onto the street. The Waterford City and County Development Plan requires a minimum of 50sqm private open space for houses with 1-2 bedrooms, as outlined in Section 5 above, and only provides

flexibility to reduce this standard in the case of houses for older people/sheltered housing. The Planning Authority raised concerns in relation to the deficiency of private open space to serve the development, which consisted of a side yard 6.4sqm in area, a side balcony of 4.7sqm and two front balconies each 1.5sq in area. A partial set back at ground floor level also provided a narrow 'privacy strip'.

8.3.2. The Planning Authority invited the applicant, by way of a further information request, to consider incorporating some of the adjoining land in her ownership, which had been part of the garage site, into the subject site, to increase the private open space. I note that the Planning Authority previously granted permission for change of use of a protected structure on Barracks Street to residential use (Ref 17/77), on a site which incorporated this part of the garage site as private open space for the dwelling. This permission has been implemented and the area serves as a garden (and also apparently as an unauthorised vehicular access) for the Barracks Road dwelling and the applicant did not take up the suggestion of incorporating it into the site. The applicant put forward an alternative design in further information documentation to address the private open space deficiency. In any case, the consideration of the appeal is focused on the site defined in the application rather than any potential additional land outside the site.

8.3.3. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (the Guidelines) were issued in January 2024, subsequent to the request for further information. SPPR 2 of the Guidelines, as outlined in Section 5.1 above, sets out minimum standards for private open space for houses and requires two bed units to have at least 30sqm and one bed houses to have at least 20sqm of private open space. They also state that on urban infill sites "the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space" and the onus is on the proposer to demonstrate that residents will enjoy a high standard of amenity.

8.3.4. The revised design submitted under further information reduces the overall floor area of the dwelling, changes one bedroom to a ground floor living room, removes the protruding front balconies and increases the size of the side yard and balcony. This results in a ground floor yard plus front privacy strip of 13sqm and a balcony of 7.3sqm, a total of 20.2sqm of private open space, the minimum quantity for a one bed houses under the Guidelines, but below the 30sqm minimum standard for a two-bed

dwelling and also below the Development Plan standard of 50sqm for 1-2 bed houses. One of the ground floor bedrooms has been changed to a living room in the revised design, although I acknowledge that its dimensions are suitable for change to use as a bedroom in the future.

- 8.3.5. While the private open space does not meet Development Plan standards for private open space, the lower quantum required in the Guidelines and the flexibility provided for infill sites allows the proposed private open space to be considered, subject to it being of a satisfactory quality and close to other public open space. The yard will be largely covered by the overhanging balcony which reduces the quality of the space. However, it would be suitable for shade loving plants and will provide space for storage of bins and other domestic items and will thus contribute to residential amenity. The balcony off the first floor living room, while on the side of the dwelling (which faces north), will have views towards the harbour and estuary, and I consider it provides an acceptable standard of amenity.
- 8.3.6. I note also that there are other public amenity areas in the vicinity including a playground, the beach and cliff walks. The proposed dwelling will also have fine views over the harbour and estuary, particularly from the large windows in the first floor living room and side balcony.
- 8.3.7. In conclusion, while the private amenity space provided is not large in quantity terms and is of a variable quality, it is compensated for by the other existing amenity spaces in the vicinity. I consider this to be acceptable in the context of achieving the development of this currently derelict urban infill site and I am satisfied that residents will have a sufficiently high standard of amenity.

8.4. Impact on residential amenity of neighbouring property

- 8.4.1. The appellant is concerned that residential amenity will be impacted by noise and nuisance associated with the use of the side balcony and its proximity to upper floor bedrooms in her house and raises issues with the accuracy of the drawings, particularly in relation to how the balcony is to be supported.
- 8.4.2. The site is an irregular shape and the neighbouring dwelling is also at an angle to the site, making it somewhat challenging to interpret and represent some aspects of the development. However, I believe the drawings are in general adequate to assess the project. A support for the front of the balcony is indicated on the ground floor plan,

albeit less clearly on the revised plan than the original drawing submitted, but the support is not visible in the side elevation drawing. There are no other supports indicated but it may be intended to attached it to the rear wall of the site. There is no indication that the balcony is proposed to be attached or supported from the adjacent dwelling and the drawings show a gap between the balcony and dwelling. It would appear therefore that the balcony will not directly impact on the wall of the neighbouring dwelling. However, the drawings in relation to the balcony are somewhat lacking in detail and for the sake of clarity I recommend that Planning Authority condition No 2 be modified to require details of the side balcony and its supports, (which should be entirely within the subject site), to be submitted and agreed with the Planning Authority prior to development commencing.

- 8.4.3. I note the bedroom windows in the neighbouring dwelling are in the front elevation, there are no windows in the side gable and the balcony does not protrude beyond the front elevation of the neighbouring property and is rear of the short wall which protrudes beyond the front elevation of the neighbouring dwelling. The proposed development does not therefore overlook the property. I note also that there are existing balconies in place on the front of the neighbouring residential properties. I am satisfied therefore that the presence and use of the balcony in an urban setting such as this, will not result in a significant deterioration in residential amenity.
- 8.4.4. The appellant is concerned that Condition No. 2 of the Planning Authority decision requires details of balcony and ground floor railings be submitted and agreed with the Planning Authority prior to commencement of development, as it denies her the opportunity to make comments prior to agreement. I believe this is a matter of detail appropriate to be addressed by condition and is not likely to impact on the residential amenity of other properties in the vicinity.
- 8.4.5. Concerns have also been raised in relation to access to the side of the appellant's property in order to maintain it. It is maintained that she has a long-standing legal entitlement to maintain her property from within the application site. This is, however, a civil matter to be resolved between the parties, having regard to the provisions of S34 (13) of the Planning and Development Act 2000, as amended, and is beyond the remit of the Commission.

8.5. Car parking

- 8.5.1. The Waterford City and County Development Plan 2022-2028, Volume 2 Development Management requires 1 No parking space per 1-2 bed dwelling. Flexibility is however provided for on a site by site basis, related to availability of on-street and other parking nearby and locational context.
- 8.5.2. In this case there is no provision for onsite parking on the site and parking directly outside on the public street on this busy, relatively narrow street while not prohibited, is not ideal. However, as this is a small urban infill site, centrally located in the village, I believe that developing it in the absence of on-site car parking is acceptable.

8.6. Other issues

- 8.6.1. Flood risk issues were addressed in some detail by the Planning Authority, as the site is located within Flood Zones A and B and the proposed residential use is classified as a highly vulnerable use under 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009'. Further information was requested and a revised proposal which raised the floor level 3.28mOD was submitted, having taken account of the recommendation of Engineering Consultants. I accept the Planning Authority's conclusion that the proposal will introduce a small-scale residential use at the site but that "the site is in the village core location adjoining existing residential uses and the development will not impact upon or impede flow paths or result in displacement".
- 8.6.2. I am satisfied that the impact of the proposed development on the Passage East Architectural Conservation Area has been fully assessed in the Architectural Heritage Impact Assessment submitted and by the Planning Authority and that the development takes account of the character of the village and will enhance the streetscape of the village.

8.7. Validity of application

- 8.7.1. The appellant contends that the application should be considered invalid as it did not include details of property in applicant's ownership adjacent to the application site on the site plan, as required under Article 22(2)(b)(i) of the Planning and Development Regulations 2001 and that this would have prevented the Planning Authority from requiring part of the adjoining land be included in the site to provide extra private amenity area.

- 8.7.2. I note the absence the “blue line’ was referenced in the planner’s report but was not raised as an issue which would invalidate the application. The report also points out that the site outlined in red is ‘contained in one folio as per Land Direct mapping’.
- 8.7.3. I note the applicant’s address in the application form is given as the adjoining property which fronts onto Barrack Street and backs onto the Quay and her ownership of this neighbouring property is also confirmed in the Section 96 Certificate of Exemption form which accompanies the application. The applicant also received planning permission on the neighbouring site and this is referenced in the design statement submitted with this application.
- 8.7.4. The Planning Authority are clearly aware that the neighbouring property is in the ownership of the applicant from the planning history and pre-planning discussions. I note in the further information request they invite the applicant to consider including part of the neighbouring property within the subject site to provide more private amenity space, but did not require a revised site map showing the neighbouring property in blue.
- 8.7.5. In conclusion, I am satisfied that the documentation submitted clarifies the applicant’s ownership of the adjoining land and that the absence of the ‘blue line’ on the site plan did not have a material bearing on the consideration of the application, nor did it prevent the concerned party from making representations on the application.

9.0 AA Screening

- 9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is 0.07km south-west of the River Barrow and River Nore SAC (Site Code 002162) and 8.68km north-west of the Bannow Bay SPA (Site Code: 004033). The proposed development comprises construction of a dwelling on an urban infill site in the centre of Passage East with all ancillary works.
- 9.2. No nature conservation issues were raised in the planning appeal.

9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of works i.e. small scale and nature of the development
- Location and-distance from nearest European site and lack of connections

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. Grant of permission is recommended subject to conditions.

11.0 Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, the planning history of the site, the nature and scale of the development and the existing character of the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 received by the Planning Authority on the 4 th August 2024, except as may otherwise be required in order to comply with the following conditions.
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	Reason: In the interest of clarity
2.	<p>Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with, the Planning Authority:</p> <p>(a) Full design details of Juliet balcony and details of the side balcony, including proposed supports, which should be entirely within the subject site, and railings, and ground floor railings to main entrance. The design and finish of the Juliet balcony, side balcony railings and ground floor railings to main entrance shall have regard to the sites location within an Architectural Conservation Area (ACA) as designated in the Waterford City & County Development Plan 2022-2028.</p> <p>(b) Ground floor railings and/or fence to ground floor terrace area.</p> <p>Reason: In the interest of clarity and to ensure the development is in keeping with the character of the Architectural Conservation Area</p>
3.	<p>No development shall commence until such time as the developer has obtained a Connection Agreement from Uisce Éireann for the provision of water services necessary to enable the development permitted herein.</p> <p>Reason: In the interest of public health and environmental protection.</p>
4.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the Planning Authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p>

	Reason: To provide for the recovery/disposal of waste and the protection of the environment.
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
6.	<p>The developer shall ensure that construction activities and other related onsite activities shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leg.T).</p> <p>(a) Day -70dB LAeq (60 minutes) (i.e., between 0800 and 1800 hours)</p> <p>(b) Evening - 60dB LAeq (60 minutes) (i.e., between 1800 and 2200 hours)</p> <p>All sound measurement shall be carried out at the expense of the developer in accordance with ISO Recommendation R1996 "Assessment of Noise with respect to Community Response" as amended by ISO Recommendations R1996 1, 2 or 3 "Description and Measurement of Environmental Noise", as applicable.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
7.	<p>(a) Any interference with or damage to the public road caused during the construction of the development shall be made good by the developer to the satisfaction of the District Engineer, Waterford City & County Council.</p> <p>(b) The existing finished road levels shall not be raised or lowered to facilitate the proposed development without the prior consultation of the Roads Department and the subsequent written agreement of the Planning Authority.</p> <p>(c) All works carried out on the public footpath and/or the public road shall require a Road Opening Licence and Hoarding Licence.</p> <p>Reason: In the interests of public and traffic safety</p>

8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ann Bogan
Planning Inspector

1st September 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ABP-320896-24
Proposed Development Summary	Construction of two storey apartment with balconies and associated development
Development Address	The Quay, Passage East, 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? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of	

<p>proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p>X Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(iv) Urban Development</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No X	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Ann Bogan

Date: 01/09/2025

Form 2 - EIA Preliminary Examination

Case Reference	ABP-320895-24
Proposed Development Summary	Construction of two storey apartment with balconies and associated development
Development Address	The Quay, Passage East, Co Waterford
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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development has a modest footprint, comes forward as a standalone project, does not require significant demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated on an infill 'brownfield' site in a rural village. The development is close to the estuary and to a designated site and landscape of significance and is within an architectural Conservation Area. Identified in the County Development Plan

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the modest nature of the proposed development, which is served by public sewerage and water systems, the likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
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.

Inspector: Ann Bogan

Date: 01/09/2025

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

(only where Schedule 7A information or EIAR required)

