



An
Bord
Pleanála

Inspector's Report ABP-321850-25

Development	Construction of 4 apartments over basement car park with all associated site works.
Location	Penrose Lane, Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2360632
Applicant(s)	Causeway Group Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Causeway Group Ltd
Observer(s)	None
Date of Site Inspection	22 April 2025
Inspector	Natalie de Róiste

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	6
5.0 Policy Context.....	6
6.0 The Appeal	12
7.0 Assessment.....	13
8.0 AA Screening.....	18
9.0 Recommendation.....	18
10.0 Reasons and Considerations.....	19
Appendix 1 – Form 1: EIA Pre-Screening	
Form 2: EIA Preliminary Examination	

1.0 Site Location and Description

- 1.1. The site, which measures c. 320 sqm, is located off Penrose Lane in Waterford city, with access via a shared private road which serves the site and adjoining apartment developments. The site has a small shed-like structure, as well as large metal grille vents set into the concrete, to provide smoke vents to an existing basement under the site, associated with the adjoining building to the north.
- 1.2. The site is located within a block formed by O'Connell Street, Penrose Lane, Anne Street, and Bridge Street. It is bordered on four sides by residential development. To the west, it is bordered by the sheltered housing development of the St Francis Conference Society of St Vincent de Paul/Frederic Ozanam Trust, which includes 21-22 Bridge Street and five houses in the rear courtyard, with small rear gardens backing onto the site. St. Saviour's Church (a protected structure) is located to the north-west corner of the block.
- 1.3. To the north, it is bordered by a blank gable of part of O'Connell Court, a four-storey over basement apartment development with a central courtyard, with frontage on O'Connell Street and Penrose Lane, and ground floor gated car parking accessed via the private lane off Penrose Lane. To the south and east, it's bordered by four- and five-storey apartment developments (Bridgeview Court and Penrose Court) which have frontage onto Bridge Street, Anne St, Penrose Lane, and the private access lane.
- 1.4. The site is located in a largely residential part of the city centre, c. 150 metres south of Rice Bridge, an eight-minute walk to the current railway station, and an eight-minute walk to John Roberts Square.

2.0 Proposed Development

- 2.1. Four apartments (1 two-bed and and 3 three-beds), in a four-storey building of 605 sqm gfa on a site of 0.032 hectares, built over an existing basement car park. Communal amenity space (courtyard) of 107 sqm. All associated site works.

- 2.2. Following a Further Information Request, revised drawings were submitted to provide a different building with a maximum height of five storeys, with four apartments over four floors, comprising 1 one-bed and 3 three-bed apartments, with an internal communal amenity space to the top floor.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

1. Having regard to the height and scale of development proposed relative to the adjoining residential developments, the proximity to same and based on the details provided with the application and in response to the further information requested it is considered that the proposed development would negatively impact on and detract from the residential amenities of existing neighbouring residential properties by reason of overshadowing and consequent loss of light. The proposed development would constitute an over-dominate and overbearing presence in relation to the adjoining residential properties and would seriously injure the amenities of property in the vicinity. The proposed development would be contrary to Waterford Development Plan 2022-2028 Policy H20 which seeks to protect the residential amenities of adjacent residential properties in terms of privacy and availability of daylight and sunlight and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Based on the details provided with the application and in response to the request for further information, the Planning Authority is not satisfied it has been demonstrated that the development can be adequately serviced in terms of foul drainage, surface water drainage and water supply connections to public networks as these connections necessitate development works on third party lands that are outside of the site boundary (as outlined in red), and the necessary consents for said works has not been provided. Furthermore, it has not been demonstrated to the satisfaction of the Planning Authority that the surface water connection to foul drainage network as proposed is technically feasible to the satisfaction of Uisce Éireann, as the Water Authority. The proposed development would therefore be

premature pending the resolution of adequate connections to the public facilities to serve the site and the absence of a solution to same and thus would be contrary to public health and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports, the first requesting Further Information, the second recommending a refusal.

- 6 February 2024 – this report noted the planning history and planning policy, as well as the site context, including the existing vents from the basement. It noted concerns regarding overbearing and overlooking impacts and impacts on daylight and sunlight to nearby developments (St Dominic's Court and Penrose Court). It recommended further information with revised drawings on this matter, and to provide a minimum of 73 sqm to the 2-bedroom unit, and further information on the existing use of the existing basement, on fire safety following construction over the existing basement vents, on Uisce Éireann connections, on surface water drainage, and on cycle parking.
- 10 January 2025 – this report noted that revised proposals were submitted, and that the application was readvertised. The report noted dissatisfaction with the overlooking and the impacts on daylight from the revised design, and with the information provided on water services and drainage as the services would have to traverse third party lands, and recommended a refusal.

3.2.2. Other Technical Reports

- None on file.

3.3. Prescribed Bodies

Uisce Éireann – submission dated 22 November 2024 (following further information request). This submission made no objection in principle, while noting that they were still assessing the pre-connection enquiry application. They noted that network extensions/upgrades would be required to facilitate connections; and that consent from the owner of the private laneway off Penrose Lane would be required to

connect through this land. They noted that connections to the public network are likely to be feasible, and recommended conditions in the event of a grant.

3.4. **Third Party Observations**

No submissions.

4.0 **Planning History**

4.1.1. The following applications on site were referred to in the planner's report.

- 06500065 – application for 3-storey car park with car lift (address given as rear 63 O'Connell Street). Deemed withdrawn.
- 05500248 – construction of basement car park and alterations to permitted development 03/654 (on larger site, inclusive of 63 O'Connell Street) and access to basement car park from existing O'Connell Court development.
- 02500570 – use of existing yard as surface car park for 11 cars.

5.0 **Policy Context**

5.1. **National Planning Context**

5.1.1. **Project Ireland 2040 – National Planning Framework (2018, updated 2025)**

5.1.2. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth.

5.1.3. *National Policy Objective 4*

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

5.1.4. *National Policy Objective 8*

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

5.1.5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018-23

5.1.6. This sets out Specific Planning Policy Requirements (SPPRs) on unit mix; unit sizes, aspects, and floor-to-ceiling heights; lift and stair cores; and co-living. These SPPRs take precedence over any conflicting policies and objectives of development plans, and the Board and Local Authorities are obliged to apply these SPPRs.

5.1.7. It also sets required minimums for room widths and floor areas, and private and communal open space.

5.1.8. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

5.1.9. These guidelines set out SPPRs on separation distances; private, semi-private, and public open space; and car and cycle parking. The standards are aimed at consolidating existing settlements and avoiding sprawl, and creating compact settlements.

5.1.10. They replace the *Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas* (2009) which are referred to in the Development Plan, which was adopted in 2022. As noted above, planning authorities are required to apply these SPPRs in making decisions on planning applications.

5.2. Regional Planning Context

5.2.1. Waterford Metropolitan Area Strategic Plan 2020

5.2.2. This high-level strategic plan prioritises a balanced concentric metropolitan area for Waterford, with a new railway station further east of the existing, and a new pedestrian/public transport bridge to connect the city centre to the north quays and the railway station. It contains a number of policy objectives to regenerate and consolidate the city centre and suburbs, including the identification and assembly of brownfield sites.

5.3. Waterford City and County Development Plan 2022-28

5.3.1. The site is zoned Town Core – to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.

5.3.2. Chapter 6 deals with Utilities Infrastructure, Energy & Communication

UTL 09 Storm and Surface Water Management

To require the use of Nature Based Solutions and Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures to be incorporated in all new development (including roads and public realm works and extensions to existing developments).

Surface water drainage must be dealt with in a sustainable manner, in ways that promote its biodiversity value, and in ways that avoid pollution and flooding, through the use of an integrated SuDS (including integrated constructed wetlands), where appropriate. This includes runoff from major construction sites.

Development proposals shall be accompanied by a SuDS assessment, which includes details of run-off quantity and quality and impacts on habitat and water quality and shall demonstrate how runoff is captured as close to source as possible with subsequent slow release to the drainage system and watercourse, as well as the incorporation of appropriate measures to protect existing water bodies and remove pollutant materials. The detail of the assessment should be commensurate with the scale of the development proposed.

Storm/ surface water management and run-off design should be carried out in accordance with Sustainable Urban Drainage Systems (SuDS) standards such as:

- ‘The SuDS Manual’ (CIRIA, 2015), ‘Sustainable Drainage: Design and Evaluation Guide’ (McCloy Consulting & Robert Bray Associates).*
- ‘Dublin Corporation Storm Water Management Policy Technical Guidelines’.*
- ‘Greater Dublin Regional Code of Practice for Drainage Works’ incorporating ‘Greater Dublin Strategic Drainage Study, Volume 2, New Development’ or any future updates; and*
- The capacity and efficiency of the strategic road network drainage regimes in County Waterford will be safeguarded for national road drainage purposes.*

- *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas: Water Sensitive Urban Design Best Practice Interim Guidance Document 2022 (DHLG&H) and updates of same.*

In all instances the use of Nature Based Solutions is preferred to engineered solution

5.3.3. Chapter 7 deals with Housing and Sustainable Communities

5.3.4. General Housing Policy Objectives H 01

To promote compact urban growth through the consolidation and development of new residential units on infill/ brownfield sites and mews and townhouse developments and support the most efficient use of publicly owned lands for residential and mixed-use developments. This will be achieved through working in collaboration with landowners, the Land Development Agency, The Housing Agency and other statutory and voluntary agencies and by the utilisation of available funding (URDF and RRDF) for plan and nature-based infrastructure led development.

5.3.5. General Housing Policy Objectives H 02

In granting planning permission, we will ensure new residential development:

- *Is appropriate in terms of type, character, scale, form and density to that location.*
- *Is serviceable by appropriate supporting social, economic and physical infrastructure.*
- *Is serviceable by public transport and sustainable modes such as walking and cycling.*
- *Is integrated and connected to the surrounding area in which it is located; and,*
- *Is designed in accordance with the applicable guidance and standards of the time:*
 - *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).*
 - *Delivering Homes, Sustaining Communities (2007).*
 - *Urban Design Manual A Best Practice (2009).*
 - *Permeability Best Practice NTA (2015); and,*
 - *Design Manual for Urban Roads (DMURS) (2020) or any update thereof.*
 - *National Disability Inclusion Strategy (NDIS) 2017-2022.*

- *United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).*

5.3.6. *H 18 Climate Resilient Housing Policy Objectives*

We will require all new residential development to incorporate the following measures to enhance climate resilience:

- *An ecosystems services approach utilising Sustainable Urban Drainage Systems (SuDS) to reduce runoff at source and apply site and regional SuDS measures to enhance water quality by the use of inter alia green roofs, rain gardens, bioretention measures/swales, tree trenches and water butts and other such measures;*
- *Incorporate the use of solar energy infrastructure such as photo voltaic (PV), solar thermal, district heating and other appropriate measures as a renewable energy generation resource which can contribute to the just transition to a low carbon climate resilient Waterford.*
- *Provides lifetime adaptable homes to accommodate the changing needs of a household over time and thereby build sustainable communities.*
- *Housing units by way of their internal floor area and volume should seek to minimise the need for unnecessary use of building materials, the associated generation of waste, and the need for space heating and cooling. House sizes should be within a margin of 25% the national average house unit size.*
- *Incorporates element of green building design through choice of efficient renewable materials, waste reduction, siting and design.*
- *Maximize orientation & passive solar gain. We will also encourage the application of new NZEB (nearly zero energy building) standards to all new residential dwellings (Houses and apartments) as per the Climate Action Plan 2021 and Building regulations applicable at the time.*

5.3.7. *H 20 Protection of Existing Residential Amenity Policy Objectives*

Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) we will ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected.

We will support lower density type development at these locations. We will require that new development in more established residential areas respect and retain, where possible, existing unique features which add to the residential amenity and character of the area, such features include front walls, gates, piers, railings, and stone/brick/render work.

5.3.8. Development Management Standards (Volume 2)

This sets out additional standards as *Table 3.1 General Standards for New Residential Development in Urban Areas*. Many of the standards refer specifically to housing, or to provisions for larger developments (eg, road layouts, phasing) while standards on public open space, landscape plans, waste management are general. *Section 3.4.3 Apartment Standards* incorporates and reflects the standards set by the Ministerial Guidelines *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* referred to above.

Section 7.0 Parking Standards – *Table 7.1 Car Parking Standards* sets out that zero spaces are required in Waterford City Centre, *Table 7.3 Cycle Parking for residential developments* sets out a requirement of 1 cycle space per unit, plus 1 visitor space per 5 units.

5.3.9. Section 9.8 Flooding sets out requirements for Flood Risk Management, with Section 9.8.2 Surface Water and Sewer Drainage/Flooding noting (in part) the following:

[A]ll development proposals are required to follow the following drainage hierarchy: Development Management DM 55

- *Store rainwater for later use.*
- *Use infiltration techniques, such as porous surfaces in non-clay areas.*
- *Attenuate rainwater in ponds or open water features for gradual release to a watercourse.*
- *Attenuate rainwater by storing in tanks or sealed water features for gradual release to a watercourse.*
- *Discharge rainwater direct to a watercourse, where there would be no consequent risk flooding.*
- *Discharge rainwater to a surface water drain.*

- *Discharge rainwater to the combined sewer only where there is no other option available to deal with the rain fall management.*

- *The capacity and efficiency of the strategic road network drainage regimes in County Waterford will be safeguarded for national road drainage purposes*

Wherever possible, Sustainable Drainage Systems (SuDS) techniques must be utilised. The surface water drainage techniques for a site, including SuDS, have to be decided at an early enough stage of the development so that sufficient space can be allocated. Sustainable drainage is integral to a development scheme and not an 'add-on'. Applicants and developers will need to submit evidence, as part of Flood Risk Assessments and/or part of an application Design Statement, that the above drainage hierarchy has been followed and SuDS have been utilized.

5.4. Natural Heritage Designations

Lower River Suir SAC 002137 – 130 metres to the north

5.5. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, on behalf of the first party against refusal. Issues raised are summarised as follows:

- The site is appropriately zoned for the development
- No objections or submissions were lodged against the application

- Regarding the first reason for refusal, the height and scale is no greater than that of neighbouring properties.
- Pop-out/angled windows are proposed to prevent overlooking, notwithstanding the existing context of significant mutual overlooking between O'Connell Court/Saint Dominic's Court and Penrose Court.
- A daylight and sunlight study shows negligible impacts on the majority of residential neighbours; the impacts on sunlight to the five terraced houses need to be considered in the context of the existing vacancy on the site; any development of 8 metres (three storeys) in height or more would have an impact on these houses – this height is desirable to contribute to housing supply and density. The five terraced houses retain good access to sunlight in the summer months (April to August) in any case. The daylight and sunlight assessment has been enclosed with the appeal.
- Regarding the second reason for refusal, a letter from Uisce Éireann was submitted to the council on 22 November 2024 and is enclosed with the appeal. This notes no objection in principle, and states that connections to the public network are likely feasible.

6.1.1. A wastewater and stormwater design report, previously permitted with the Further Information submission, has also been submitted with the appeal.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Residential amenity of proposed development
- Neighbouring residential amenity
- Car and cycle parking
- Drainage and services

7.2. Principle of Development

- 7.2.1. Given the national, regional, and Development Plan policy in favour of the consolidation of development and the use of infill brownfield sites for housing in Waterford city, there is a presumption in favour of development of the site, subject to compliance with other relevant policies, and the safeguarding of reasonable amenities.

7.3. Residential amenity of proposed development

- 7.3.1. The proposed development was revised considerably (and readvertised) following the further information request. The initial planner's report assessed the initial development against the SPPRs set out in the Ministerial Guidelines *Sustainable Urban Housing: Design Standards for New Apartments*. However, no such assessment of residential amenity was undertaken of the revised development, which is a materially different design.
- 7.3.2. The apartments comply with the quantitative standards set out in the relevant Ministerial Guidelines on apartments and with *Section 3.4.3 Apartment Standards* in Volume 2 of the Development Plan (the overall apartment sizes, room sizes, widths, and the quantum of storage and private open space). Communal amenity space is proposed as a top floor internal room of 41 sqm, with north-west and north-east facing windows, which gives onto a flat roof (not indicated as outdoor amenity space, but which could be put to that use). The floor-to-ceiling heights are 2.9 metres to the ground floor, and 2.7 metres to the upper floors, which would aid access to daylight.

- 7.3.3. However, the redesigned building has windows at relatively short distances (c. 5 metres) from the boundary, with pop-out windows to upper floors to prevent overlooking in some instances, and views onto blank walls in other instances. No assessment of daylight or sunlight to the new apartments has been submitted; the daylight and sunlight report notes that no request was made for same. Given the large number of pop-out windows, the layout of the building on the site, and the proximity to neighbouring four-storey buildings, the access to daylight, sunlight, and outlook for the new apartments would be somewhat compromised, notwithstanding the good floor-to-ceiling heights and dual-aspect orientation of the apartments. For example, the first-floor apartment has two bedrooms with pop-out windows, while the third bedroom's window (facing north-east) looks onto the gable wall of O'Connell Court at a distance of 4.7 metres. The living/dining-room/kitchen is dual aspect, but again looks onto the blank gables of Bridgeview Court (at an angle) and Penrose Court (at a distance of 5.2 metres).
- 7.3.4. Additionally, I have concerns regarding the design of the building to accommodate the retention of the basement, and the lack of integration with neighbouring apartment blocks; the footprint creates a number of pinch points and precludes the provision of high-quality amenity space at ground floor. No landscape plan has been submitted (contrary to the provisions of Table 3.1 of the Development Plan), and no indication of a separate private open space for the ground floor one-bed apartment from the communally accessible ground floor area. The ground level open space is negative space, which does not lend itself to residential amenity, particularly for family-sized apartments.

7.4. Neighbouring residential amenity

- 7.4.1. I note the initial design was proposed in close proximity (although not adjoining) the blank gables of the adjoining residential developments to the north and east, with a courtyard to the south-west corner. While the revised design to avoid building over the vents to the basement, has had the benefit of avoiding the long narrow gaps which could impact on the constructability and maintenance of the building, it proposes a four-storey block within closer proximity to the southernmost end of the Bridgeview Court block. There are windows to habitable rooms to Bridgeview Court to the second and third floor here which have not been assessed for daylight, which

would be likely to be affected, as the proposed development is located 2.58 metres from the boundary and c. 5 metres from the window. Additionally, the new building would be likely to have overbearing impacts on these windows.

- 7.4.2. I note the council's concerns regarding impacts on the terraced houses. These houses have been built relatively close to the boundary, with rear gardens of c. 4 metres in depth. The daylight and sunlight report submitted with the Further Information did not assess amenity to sunlight to neighbouring outdoor areas, stating that private outdoor amenity space to neighbours were not found to be present or could not be determined. However, it is reasonable to assume that an area of open space to the rear of a house is an amenity area, and I consider the overshadowing of these areas to be a material consideration in the assessment of the file. I note also Policy Objective H 20, which is an objective to ensure that privacy and the availability of daylight and sunlight is not adversely affected due to new development. (This makes reference particularly to smaller suburban infill sites, but does not exclusively refer to them). The proposed new building is located to the south-east of these gardens, and given the impacts on sunlight to the windows, there would be likely impacts on the sunlight to the gardens as well. The proximity of the building, notwithstanding the setbacks at first, third, and fourth floor, would create an overbearing impact on the closest houses. I consider the combination of the impacts on the residential amenity of surrounding properties to be unacceptable and to merit a refusal.

7.5. Car and cycle parking

- 7.5.1. There is an existing basement, and the drawing submitted at Further Information stage show 6 existing car parking spaces in this basement. The application indicates that these car parking spaces are for the new development. Despite a request for further information from the local authority, the applicant has not clarified what the existing basement is currently used for. No history files were provided by the Planning Authority. I have consulted the publicly available documents on the planning register on the council website (on 8 May 2025). Permission was granted in July 2005 to construct the existing basement with 37 spaces (reg ref 05500248), as an amendment to reg ref 03500654 which permitted 14 apartments over an existing shop at 63 O'Connell Street. The construction of this basement included a ramp into

a neighbouring building at 64 O'Connell Street/Penrose Lane, which was permitted under 02500506, with 40 apartments and commercial uses.

- 7.5.2. I have concerns that the use of these car parking spaces for the new development might have impacts on the amenity of existing residents and users of the commercial spaces, as no information has been provided on the current use of this part of the basement. Furthermore, the provision of 6 car parking spaces for 4 apartments in the city centre of Waterford does not comply with SPPR 3 of the Compact Settlement Guidelines, which sets out that '*car-parking provision should be minimised, substantially reduced, or wholly eliminated*' in city centres and urban neighbourhoods of the five cities. Should the basement be currently disused or surplus to requirements, a more appropriate use might be made of it.
- 7.5.3. The cycle parking proposed, 6 spaces under a timber-framed canopy and with no provision for non-standard cycles, does not meet the qualitative or quantitative standards set out in SPPR 4 of the Compact Settlement Guidelines (1 space per bedroom, or 10 spaces, plus provision for visitor parking). I recommend a refusal on this matter.
- 7.5.4. I note the planner's report assessed the development against the Development Plan standards for both cycle and car parking; however, as noted above, planning authorities are obliged to apply the Specific Planning Policy Requirements contained in the relevant Ministerial Guidelines, notwithstanding any contradicting Development Plan standards.

7.6. Drainage and services

- 7.6.1. The council notes that no consents for connection to drains in the private access road have been provided. No works are indicated outside the red line boundary; I consider connection to shared sewerage schemes to be a matter for agreement between those parties, and I note Irish Water have no objection to the principle of the development, having regard to foul drainage. I note that Section 34(13) of the Planning and Development Act 2000 (as amended) sets out that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*' and I do not consider this element of the refusal to be reasonable. A

condition requiring compliance with the Local Authority standards could address the matter.

- 7.6.2. However, the development does not comply with the SuDS measures as required by *UTL 09 Storm and Surface Water Management* and *H 18 Climate Resilient Housing Policy Objectives*. The provision of a storage tank, pump chamber and separator makes no contribution to residential amenity or biodiversity, important elements of SuDS. The submitted Wastewater & Stormwater Design Report assesses the design against compliance with the criteria for hydraulic control – release of water from the site – but not against the other SuDS requirements. No consideration has been given in the report to nature-based solutions such as green roofs, blue-green roofs, or rain gardens, which would be appropriate for urban sites, and which would provide reuse or on-site infiltration of water in line with the drainage hierarchy set out in *Development Management DM 55*. I recommend a refusal on this issue.

8.0 AA Screening

- 8.1. The Planning Authority's report screened out appropriate assessment. The site is located within the built-up area of Waterford city, approximately 130 m south of the north/northwest of the Lower River Suir SAC. It is considered that the hydrological connection to this SAC is indirect, weak and sufficiently remote. Foul and surface runoff will ultimately be drained through the public sewerage system.
- 8.2. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the distance from the nearest European site and the absence of pathways between the application site and any European site it is possible to screen out the requirement for the submission of an NIS at an initial stage.

9.0 Recommendation

I recommend permission be refused for the following reasons:

10.0 Reasons and Considerations

1. Having regard to the height and scale of development proposed relative to the adjoining residential developments, the proximity to same and based on the details provided with the application, and in response to the further information requested, it is considered that the proposed development would negatively impact on and detract from the residential amenities of existing neighbouring residential properties by reason of overbearing impacts, overshadowing and loss of daylight. The proposed development would constitute an over-dominant and overbearing presence in relation to the adjoining residential properties and would seriously injure the amenities of property in the vicinity. The proposed development would be contrary to Waterford Development Plan 2022-2028 Policy H20 which seeks to protect the residential amenities of adjacent residential properties in terms of privacy and availability of daylight and sunlight and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Development as proposed fails to comply with Specific Policy Requirements set out in *Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities*, namely SPPR 3 – Car Parking, and SPPR 4 Cycle Parking and Storage. It would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

3. The development as proposed fails to comply with Policy Objective H 18 Climate Resilient Housing, and Policy Objective UTL 09 Storm and Surface Water Management of the Development Plan. It would therefore be contrary to the proper planning and sustainable development of the area.

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

Natalie de Róiste
Planning Inspector

16 May 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321850-25
Proposed Development Summary	Construction of 4 apartments over basement car park with all associated site works
Development Address	Penrose Lane, Waterford, 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 Part 1, 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.	State the Class here
<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 proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> 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)	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold Class 10(b)(iv) [Urban Development – 10 hectares – sub threshold]

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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321850-25
Proposed Development Summary	Construction of 4 apartments over basement car park with all associated site works
Development Address	Penrose Lane, Waterford, 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).	<p>The proposed development is an apartment block with four apartments in an urban area, connected to public services.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants</p>
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).	<p>The development is in a built up area, and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p>
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).	<p>The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments.</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.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)