



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D52017 37

WHEREAS a question has arisen as to whether the replacement of existing barrier and addition of pay/ticket machine to existing car park, at former Bank of Ireland Premises, Parnell Street/The Applemarket, Waterford is or is not development or is or is not exempted development:

AND WHEREAS Sean Johnston of Causeway Facility Management, Suites 9 and 10 Station House, Railway Square, Waterford requested a declaration on the said question from Waterford City and County Council, and the Council issued a declaration on the 9th day of November, 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Sean Johnston referred the declaration for review to An Bord Pleanála on the 6th day of December, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to those Regulations, and,
- (d) the nature of the previous and current use of the site and the change in the use from parking connected primarily with the commercial/office use of the site to use as a public car park offering daily and hourly rates:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the replacement of the barrier constitutes works being an operation of renewal or repair and therefore constitutes development,
- (b) the installation of the pay/ticket machine constitutes works being an operation of construction and therefore constitutes development,
- (c) the developments undertaken and subject of this referral relate to a change in the use of the site from use as a parking area connected primarily with the commercial/office use of the site to use as a public car park offering daily and hourly rates and that as per the Board's decision in referral case (An Bord Pleanála reference number ABP-300397-17), this change of use is material and such that it constitutes development that is not exempted development. The current use of the site therefore, constitutes an unauthorised use of the site for which no planning permission has been obtained,

- (d) the replacement of the existing barrier would be exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended and Class 9 of Part 1 of the Second Schedule of the Planning and Development Regulations, 2001, as amended, were it not for the fact that the use of the site as a public car park offering daily and hourly rates is unauthorised, and,

- (e) the installation of the pay/ticket machine would be exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended, were it not for the fact that the use of the site as a public car park offering daily and hourly rates is unauthorised.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the replacement of existing barrier and addition of pay/ticket machine to existing car park, at former Bank of Ireland Premises, Parnell Street/The Applemarket, Waterford is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

John Connolly

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.