



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314974-22

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<b>Development</b>	Demolition of existing commercial units and construction of apartment block comprising 7 apartments and all associated site development works.
<b>Location</b>	26A and 28, Morrissons Avenue, Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	211227
<b>Applicant(s)</b>	Catherine Magill.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Lisa Jones.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	17 <sup>th</sup> January 2024.
<b>Inspector</b>	Peter Nelson

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## **1.0 Site Location and Description**

- 1.1. The site is located on the corner of Leamy Street and Morrisons Avenue to the west of Waterford City Centre. Morrisons Avenue slopes down from west to east. The site contains two vacant commercial units and the buildings on site are a mix of single and two stories. There is a tarmacked area to the front of the commercial buildings with an open boundary to the public pavement and an overgrown area to the rear of the site.
- 1.2. A part two and three-storey apartment development is directly to the northwest. To the southwest of the site is a single-storey derelict commercial unit. There is a detached bungalow opposite the site to the east. The surrounding area is predominantly residential, with single and two-storey dwellings.

## **2.0 Proposed Development**

- 2.1. Permission is sought to demolish an existing commercial unit and construct an apartment block containing 7 on-bed apartments and all associated site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

In considering the application Waterford City and County Council on the 24<sup>th</sup> February 2022 in relation to relating to the ownership of the site, the provision of sustainable surface water drainage and a section drawing showing the existing and proposed boundary treatment to the boundary with No. 30 Morrison's Avenue and the northern boundary with City View, Leamy Street.

Further Information was submitted on the 23<sup>rd</sup> August 2022.

A notice of Significant Further Information was requested on 26th August 2022.

Waterford City and County Council then issued a notification of a grant of permission on the 3<sup>rd</sup> October 2022, subject to 13 conditions. Condition no. 2 requires the relocation of the ground floor front entrance to the building and entrance

lobby to provide the main entrance via the communal amenity space to the front of the site. It also requires that the proposed entrance gate from the communal amenity space located at the front of Apartment No. 2 be omitted.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The main points of the planner's report dated the 28<sup>th</sup> September 2022 on the Further Information received can be summarised as follows:

- As the site is urban and less than 0.25ha, the apartments meet the New Apartment Guidelines.
- Given the scale of the adjoining building, the height of the development is acceptable.
- The site is a central and accessible urban location; therefore, the lack of car parking is acceptable.
- Reducing the landscaped area to the front due to changes in the red line boundary requires a revised ground floor layout, relocating the main entrance door, and providing access to the building via the communal area.
- The revised proposals for surface water management are acceptable.
- Revised details indicating boundary treatment details are provided.
- 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

Seven observations were received on the original planning application and five additional submissions were received after the revised further public notices. The main issues raised can be summarised as follows:

- One-bedroom apartments are not for families and are not in keeping with the quiet residential location.
- There is no parking for the apartments.
- The proposed development will set a precedent for other high-rise developments.
- The proposed development will cause overshadowing.
- No recreational space has been provided.
- The proposed development is out of character with the established neighbourhood.
- There may be potential noise issues from the proposed development.
- The 2/3 storey development will overlook adjoining properties and would have an unsightly impact on the area.
- The apartment block entrance and common area gate open directly to private land the developer cannot access.

### 4.0 Planning History

#### **P.A. Ref: 201009**

An application to demolish existing commercial units and to construct a new 2/3 storey block comprising 8 no 1-bedroom apartments together with a roof terrace, new boundary treatments and all associated site development works was deemed to be withdrawn on the 8<sup>th</sup> December 2021.

Adjoining Site:

#### **P.A. Ref: 20274**

Application for full planning permission for the indefinite retention of as-constructed rear entrance/fire escape stairs (altered from those previously granted under planning file reference 08500057), for as-constructed ground floor plant room to the rear, for altered roof layout facing existing single-storey retail unit and also for as installed handrail to the front of the property at the entrance at City View, Leamy Street deemed to be withdrawn on the 30<sup>th</sup> April 2021.

**P.A. Ref: 08500057**

Permission was granted on the 16<sup>th</sup> April 2008 to demolish the existing dwelling and outbuildings, construct a new 2/3 storey block comprising 10 No. 1-bedroom apartments, and roof terrace and ancillary site development works. This is the City View Apartment development adjoining the site.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Waterford City and County Development 2022-2028 is the operational development plan for the area. The plan came into effect on the 19<sup>th</sup> July 2022. The site is zoned GB-General Business, and the objective is 'to provide for and improve General Business uses; this includes suburban districts and local neighbourhoods.'

Residential Schemes are open for consideration in this zoning. 'Open for Consideration' are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

#### **Policies**

#### **H 04:**

We will promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/ brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities. This will be achieved by:

- Facilitating and supporting a range of residential densities and building heights appropriate to the context and residential amenity of a proposed development location.
- Proximity to high capacity public transport corridors and investment in sustainable and/ or active transport infrastructure.
- Supporting the permeable integration and densification of existing built-up areas.
- Supporting residential development proposals and urban design which incorporate clustering of mixed land use and co-location of services in appropriate location(s), or where quick and easy access to such services is available.
- Promoting and ensuring qualitative design and technological solutions which deliver adaptable residential/living units/spaces and urban design.
- Ensuring the integrated provision of quality green and blue infrastructure components/ public open space and networks of same so as to achieve distinctiveness and sense of place across our neighbourhoods; and,
- Requiring the provision of support infrastructure/ facilities to encourage sustainable mobility.

## **H20:**

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.

## **5.2. National Planning Framework**

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 9 states that in each Regional Assembly area, settlements not identified in Policy 2a or 2b of this Framework, may be identified for significant (i.e., 30% or more above 2016 population levels) rates of population growth at regional and local planning stages, subject to:

- Agreement (regional assembly, metropolitan area and/or local authority);
- Balance with strategies for other urban and rural areas, meaning that the total planned population growth has to be in line with the overall growth target; and
- A co-ordinated strategy that ensures alignment with investment in infrastructure and the provision of employment, together with supporting amenities and services.

The NPF continues to state that while these planning considerations will generally apply to all urban and rural areas, this specific provision is intended to ensure that settlements identified for significant population growth are aligned with the provision of employment and/or infrastructure and supporting facilities.

NP Objective 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### 5.3. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements- Guidelines for Planning Authorities, (2024)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2022)



#### **5.4. Natural Heritage Designations**

The site is c.0.85 from the Lower River Suir Special Area of Conservation (Site Code: 002137)

#### **5.5. EIA Screening**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. See Forms 1 & 2 in Appendix 1.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

The main points of appeal can be summarised as follows:

- Waterford City & County Council failed to refuse planning permission based on non-adherence to planning timelines by the applicant.
- The proposed changes to the overall development required by condition no.2 are too material to be dealt with by way of a condition and provides no means for the public and interested parties to participate in that process.
- The proposed massing is inappropriate and is overly bulky and dominating.
- The 2<sup>nd</sup> floor is unnecessary, and the proposed development is overbearing and overlooks neighbouring houses and gardens.
- The site is in an area under severe pressure for private parking, and it would be irresponsible to allow further development with no car parking.
- The proposed 100% provision of 1-bed units would result in an over-concentration of one-bed units in the area.
- The roof of the proposed building oversails and encroaches into land not in the applicant's ownership.

- The front/door access to the apartment building opens directly into the lands the applicant does not own and has no control over or consent to use.
- The proposed access to the communal area opens directly onto the land they acknowledge they don't own and have no control over or consent to use.
- The proposed apartments are insufficient in size as they don't have any private amenity space and, therefore, do not meet the current standards.
- The applicant has provided outdoor amenity space; however, most is taken up by utilities serving the development and cannot be taken into account to assess quality or usable amenity space.

## 6.2. Applicant Response

The main point of the applicant's response can be summarised as follows:

- A further information request was issued from the Council on 24<sup>th</sup> February and was responded to on 23<sup>rd</sup> August; therefore, it was responded to within 6 months as required.
- The appellant's statutory entitlement to comment on the significant information was not impacted.
- The amendments required to comply with Condition No.2 are minor and include internal adjustments that will not be seen outside the building.
- The application site red line boundary included all lands behind the public footpath.
- The applicant is aware of the terms of Section 34(13) of the Act, whereby permission alone shall not entitle the carrying out of the development and that the development cannot proceed without full control of the land.
- The submitted revised layout demonstrates the immaterial change needed to avoid the overhang outside the red-line boundary.
- The site coverage is well within the maximum development plan standard.
- The height of the proposed development is in keeping with its surroundings.

- Given the site's central location, no parking provision complies with the Apartment Guidelines and Development Plan standards.
- Given the limited scale of the development, the unit mix is acceptable.
- There is demand for such accommodation in and around the city centre.
- The applicant does not claim to own the land between the proposed building and the public footpath.
- Relaxation in private open space provision can be acceptable in the case of urban infill sites up to 0.25 ha, subject to overall design quality.
- There is 108m<sup>2</sup> of communal open space, which can provide a high standard and quality of residential amenity and privacy.
- The development meets all relevant standards and will address an existing shortage of such accommodation in the city.
- The design of the apartment is in keeping with the scale and design of adjacent development.

### 6.3. **Planning Authority Response**

- None

### 6.4. **Observations**

- None

## 7.0 **Assessment**

7.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Condition No.2
- Design, Height and Density.
- Apartment Standards

- Land Ownership
- Procedural Issues

## 7.2. Condition No.2

Condition No.2 requires alterations to the design to facilitate access to the apartment block through the amenity area to the front of the building. The appellant contends that the necessary alterations to comply with this condition are too material to be dealt with by condition as it is a redesign of the proposed building.

In response to the appeal, the applicant has submitted drawings detailing the design changes required to comply with Condition No.2. I consider that the amendments to the front elevations are minor and do not negatively impact the residential amenity of the occupants or the surrounding area. Therefore, I do not consider the proposed alterations material in nature, and I consider the submitted alterations acceptable. As the revised design submitted is acceptable, if the Bord is minded to grant permission, I consider that condition No.2 is now not required.

## 7.3. Design: Density and Height

### Density

The proposed development consists of 7 apartments on a site of 0.042 hectares, equating to a density figure of 167 units per hectare. It is stated in the Waterford City and County Development Plan that when assessing applications for residential development, the Planning Authority will seek to implement the density standards set out in the ministerial guidelines 'Sustainable Residential Developments in Urban Areas' (DoEHLG 2009), the Specific Planning Policy Requirements (SPPR) of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and Circular Letter NRUP02/202. These have been replaced by the Sustainable Residential Development and Compact Settlements- Guidelines for Planning Authorities (2024). It is a recommendation of these that residential densities in the range of 50 dph to 200 dph (net) shall generally be applied in urban neighbourhoods

of Waterford. I, therefore, consider that the density proposed for this infill site in an urban neighbourhood of Waterford is acceptable.

The site coverage of the proposed development is 49%, which is well within the standard in Table 3.1: General Standards for New Residential Development in Urban Areas of the current Waterford City & County Development Plan, which allows for a maximum of 85% site coverage. I do not consider the proposed development to be overdevelopment of the site.

### Height

The proposed development is predominately two-storey, with a three-storey section of the building and has a maximum height of 9.973m. The site is located on a hill, and it can be seen from the Morrissons Avenue Elevations Dwg. No.2.01 that, the ridge level of the three-storey level is below the ridge height of No.32 Morrissons Avenue. The height of the proposed development is less than the adjoining City View Apartments on Leamy Street. Having regard to the contiguous elevations, I consider that the proposed development provides an acceptable urban design solution for this corner infill site and will not appear overbearing when viewed from the neighbouring residential properties.

## **7.4. Apartment Standards**

### Unit Mix

The appellant considers that the 100% provision of 1-bed units would result in an overconcentration of 1-bed units in this area.

Specific Planning Policy Requirement 2 of the Sustainable Urban Housing Design Standards for New Apartments states that for urban infill schemes on sites of up to 0.25ha, where up to 9 residential units are proposed, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e., up to 4 units) comprises studio-type units. All of the seven apartments proposed are one bedroom. Therefore, the proposed development will comply with the Specific Planning Policy Requirement 2 of the Sustainable Urban Housing Design Standards for New Apartments.

The area predominately consists of two and three-bed housing. I, therefore, consider that the provision of 7 no. one-bed apartments will add to the overall housing mix in the area.

### Parking

No parking has been proposed for the proposed apartments. Table 7.1 of the Waterford City and County Development Plan 2022-2028 sets down 'maxima' parking standards for apartments. Section 7.2 of the Development Plan states that the car parking standards that apply to Waterford City Centre also apply within 250m of a Public Transport Route. Table 7.1 states that no car parking spaces are required for apartments in Waterford City Centre. The proposed development is c.160m from Ard Na Greine and c.100m from Upper Yellow Road, both of which are part of a Public Transport Route leading to the city centre.

The appellant states that the site is under severe pressure for private parking. I note that the majority of the residential properties have on-site parking, and at the time of site inspection, there did not appear to be evidence of severe parking pressure in the area. I therefore consider that the non-provision of car parking for this development of one-bed apartments is acceptable in this central location.

### Private Amenity Space

The appellant contends that the apartments are insufficient in size and do not meet the standard set out in the Apartments Standards as they do not provide any private amenity space.

The Waterford City and County Development Plan states that regard should be given to the Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, when designing apartment developments. While the Apartment Guidelines generally require a minimum private amenity space of 5 sqm, Section 3.39 allows this requirement to be relaxed in part or whole, on a case-to-case basis, subject to overall design quality for urban infill schemes on sites of up to 0.25ha.

The proposed development is an urban infill scheme, and the site size is less than 0.25ha. I therefore consider that there is scope for relaxation of the private amenity standards. Given the corner-in-fill nature of this site, its proximity to the city centre and in order to follow the existing building lines and prevent overlooking of the

adjoining residential properties, I considered that the non-provision of private open space is acceptable in this instance.

### Communal Open Space

The appellant contends that most of the communal amenity space is just space for utilities and should not be considered for assessing quality or usable 'amenity space'.

The Apartment Guidelines require the provision of 5 sqm of communal open space per one-bed apartment. The proposed development provides a shared area of open space at the front of the building. This space does include access to the bike parking to the rear and bin storage. The proposed boundary of the space with the public footpath is a low-level rendered concrete wall with railings. This area is south-facing. The stated communal area, excluding the external utility area, is 108m<sup>2</sup>. I consider the quantity of communal area for 7 one-bed apartments acceptable. Given the corner-in-fill nature of this site and the orientation of the building, any communal open space to the rear of the building would be of limited amenity value. Therefore, I consider the proposed communal space at the front of the building to be acceptable.

## **7.5. Land Ownership**

The appellant states that the applicant has no control over the portion of lands that they do not own in front of the proposed development. This section of land was initially included within the red-line boundary. Further Information was provided by the applicant stating that that this area was included in error.

The appellant states that the applicant has no consent from the landowner for the proposed entrances to open directly into the private property. They also state that the proposed development oversails land not in the applicant's ownership. The revised proposal, as detailed in section 7.2 of this report, overcomes this issue, and the Local Authority attached condition no. 11 to the grant of permission requiring that no overhanging of adjoining properties shall take place. I considered any amendment necessary to comply with this condition would be minor.

I also confirm that the revised drawings submitted with appeal address the issue of occupants entering the building over land in third-party ownership.

In terms of legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act, a person shall not be entitled solely by reason of a permission under this section to carry out any development.

## **7.6. Procedural Issues**

The appellants claim that permission should have been refused due to the applicant not adhering to the timelines set out by the Council in relation to requests for further information.

Waterford City and County Council requested the applicant to submit further information on the 24<sup>th</sup> February 2022. Further Information was submitted on 23<sup>rd</sup> August 2022, within the 6-month period required under Part 4 Article 33. (3) of the Planning and Development Regulations.

On the 26<sup>th</sup> August 2022, the Planning Authority requested the applicant to publish a notice and erect a site notice stating that Significant Further Information had been furnished to the Planning Authority.

The request letter stated that the notice had to be submitted to the planning authority within 7 days of the date of the letter, and if the request was not complied with within the 7-day period, the application may be refused.

The Significant Further Information notices were submitted to the Planning Authority on the 9<sup>th</sup> September, 2022. The newspaper in which the notice appeared was dated 6<sup>th</sup> September 2022, and the site notice was also dated 6<sup>th</sup> September 2022. It is noted these dates were outside the specified 7-day period.

The Planning Authority accepted the submitted notices and observations on the significant further information.

In terms of procedural matters and the alleged irregularities in terms of the timing of the publishing of the notice and the erection of the site notice, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above



assessment represents my de novo consideration of all planning issues material to the proposed development.

## 8.0 Recommendation

8.1. I recommend planning permission be granted for the proposed development.

## 9.0 Reasons and Considerations

Having regard to the location of the site in close proximity to Waterford City Centre and to Objective H 04 of the Waterford City and County Development Plan 2022-2028, which is to promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation of infill/brownfield site in a way which promotes appropriate levels of compactness, subject to compliance with the conditions set out below, the proposed development would not seriously injure residential amenities of the area. The proposed development would, be acceptable in terms of residential amenity and would not give rise to the creation of a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 23rd August and submitted to An Bord Pleanála on 22nd November 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity
2.	The first and second-floor windows on the Western elevation serving hallways and the stairs shall be glazed with obscure glass.  Reason: To prevent overlooking of adjoining residential property.
3.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.  Reason: In the interests of public safety and amenity.
4.	Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  Reason: In the interest of visual amenity.
5.	Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.  Reason: In the interests of public safety and amenity.
6.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the

	<p>planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The applicant or developer shall enter into water and wastewater connection agreements with Irish Water/Uisce Éireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>No overhanging of, trespassing on, adjoining properties and/or lands not in the developer's ownership and/or control by eaves, gutters, foundations etc shall take place on foot of this permission.</p> <p>Reason: In the interest of existing residential amenity</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 the 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>

	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
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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.

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Peter Nelson  
Planning Inspector

22<sup>nd</sup> January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	314974		
<b>Proposed Development Summary</b>	Demolition of existing commercial units and the construction of an apartment block comprising of 7no. apartments and all associated site development works.		
<b>Development Address</b>	26A and 28 Morrison Avenue, Waterford		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<input checked="" type="checkbox"/>
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<input checked="" type="checkbox"/>		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	<b>Conclusion</b>
<b>Yes</b>	<input checked="" type="checkbox"/>	Class 10 (b)(i) of Part 2	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: *Peter Nelson*


Date: 22<sup>nd</sup> January 2024

**Form 2**

**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	314974	
<b>Proposed Development Summary</b>	Demolition of existing commercial units and the construction of an apartment block comprising of 7no. apartments and all associated site development works.	
<b>Development Address</b>	26A and 28 Morrison Avenue, Waterford	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b>  <b>Is the nature of the proposed development exceptional in the context of the existing environment?</b>	Given that the proposed development is for a 7no. apartments in an established residential area, I do not consider the proposed development exceptional in the context of the existing environment.	<b>No</b>
<b>Will the development result in the production of any significant waste, emissions or pollutants?</b>	Aside from normal construction waste, I do not consider that the proposed development will result in the production of any significant waste, emissions or pollutants.	<b>No</b>
<b>Size of the Development</b>  <b>Is the size of the proposed development exceptional in the context of the existing environment?</b>	The proposed development is a two- and three-storey development of 7 no. apartments on a site with a stated area of 0.044 hectares. I do not consider the development size exceptional in the context of the existing environment.	<b>No</b>
<b>Are there significant cumulative considerations having</b>	I consider that there are no significant cumulative considerations having regard to other existing and/or permitted projects.	<b>No</b>

<p>regard to other existing and/or permitted projects?</p>		
<p><b>Location of the Development</b></p> <p><b>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</b></p> <p><b>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</b></p>	<p>While the site is located c.08km from the Lower River Suir Special Area of Conservation (Site Code: 002137), it is located in an existing built-up urban area and does not have the potential to impact an ecological sensitive site or location significantly.</p> <p>The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p><b>No</b></p> <p><b>No</b></p>
<p><b>Conclusion</b></p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: 

Date: 22<sup>nd</sup> January 2024

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)