



Board Direction

**Re: Amending Board Order
S146A of the Planning and Development Act, 2000, as amended**

Ref: 27.246892

The submissions on this file were considered at a Board meeting held on 1st, February 2017.

The Board decided to exercise its powers under section 146A(1)(b)(ii) of the Planning and Development Act 2000, as amended, to amend its Order of 14th, November 2016 by amending condition number 2, as follows:

2. (a) The proposed dwelling shall be occupied as a place of permanent residence by the applicant, members of the occupants immediate family or their heirs, and shall remain so occupied for a period of at least 7 years thereafter commencing from the date of this Order, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the date of this Order, the applicant shall submit to the planning authority a written statement of confirmation of compliance with the requirement as set out in paragraph (a) above.

The Board decided that it is appropriate to amend its Order dated 14th, November 2016 in order to facilitate the permission/decision where the amendment may reasonably be regarded as having been contemplated by or the terms of the permission/decision which were not expressly provided for the the permission

It is considered that amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission or decision.

Having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the permission/other matter.

Accordingly the Board hereby amends the above-mentioned decision by amending condition number 2 of the Board Order dated 14th, November 2016 in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

- (a) The proposed dwelling shall be occupied as a place of permanent residence by the applicant, members of the occupants immediate family or their heirs, and shall remain so occupied for a period of at least 7 years thereafter commencing from the date of this Order, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two mopnths of the date of this Order, the applicant shall submit to the planning authority a written statement of confirmation of compliance with the requirement as set out in paragraph (a) above.

Board Member: _____ Date: 1st, February 2017
Paddy Keogh