



**An
Bord
Pleanála**

Board Direction

BD-008182-21

ABP-308401-20

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

The submissions on this file were considered at a Board meeting held on 13/05/2021.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of 25th March 2021, by the insertion of a new condition.

The Board decided that;

- (1) it is appropriate to amend its Order dated 25th March 2021 in order to facilitate the permission/decision where the amendment may reasonably be regarded as having been contemplated by either a particular provision of the permission/decision or the terms of the permission/decision which were not expressly provided, or
- (2) the 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.

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 ¹ in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

Board Member: Terry Prendergast **Date:** 17/05/2021
Terry Prendergast