

An  
Bord  
Pleanála

**Board Direction**  
**BD-009602-21**  
**ABP-308542-20**

**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 08/12/2021.

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 June 2<sup>nd</sup> 2021 by attaching a Part V Condition. It is appropriate to attach such a condition in order to facilitate the operation of the permission.

The Board decided that;

- (1) a clerical error had occurred,
- (2) it is appropriate to amend its Order dated June 2<sup>nd</sup> 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,

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.

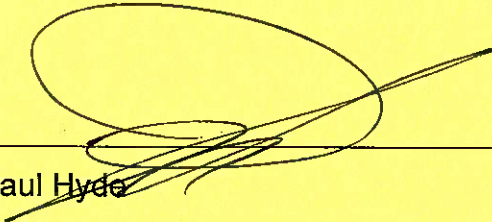
Having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the permission.

Accordingly the Board hereby amends the above-mentioned decision by attaching a Part V Condition in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

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:**



Paul Hyde

**Date:** 08/12/2021