

An
Bord
Pleanála

Board Direction
BD-008626-21
ABP-309105-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/06/2021.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Amend condition number 1 as follows:

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 submitted on the 9th day of November 2020, 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 prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: *In the interest of clarity.*

Amend condition number 17 as follows:

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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 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.


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.*

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Laois Development Plan 2017 and the Guidelines for Sustainable Residential development 2009, it is considered that the modification to the proposed development, as required by the planning authority in its imposition of condition number 1(b), was not warranted, and that the proposed development, with the modification of condition number 1(b), to permit 4 units, 01 to 04 as submitted to the Planning Authority on the 9th day of November 2020, on Site Layout Plan drawing number 01/02 would not detract from the amenities of the area, would be acceptable on a fully serviced brownfield site with a town centre zoning and would, therefore, be in accordance with the proper

planning and sustainable development of the area. It is further considered that, as a consequence of the above, condition number 17 is also amended.

Board Member:



Stephen Bohan

Date: 29/06/2021