

An
Bord
Pleanála

Board Direction
ABP-309642-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/10/2021.

The Board decided, as set out in the following Order, that the use of the residential development as exclusively social and/or affordable housing is not development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the imminent use of development, permitted under PA Reference Nos. LB160659, LB180519 and LB190293, as exclusively as social and/or affordable housing provided under Part V of the Planning and Development Act 2000, as amended, is or is not development or is or is not exempted development,

AND WHEREAS Mairéad Phelan and Others requested a declaration on the above question from Meath County Council and the said Council issued a declaration on the 4th day of February 2021, stating that the matter was development and was exempted development,

AND WHEREAS Mairéad Phelan and Others referred this declaration for review to An Bord Pleanála on the 1st day of March 2021,

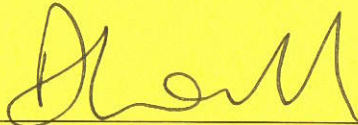
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- a) Section 2(1) of the Planning and Development Act 2000, as amended,
- b) Section 3(1) of the Planning and Development Act 2000, as amended,
- c) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- d) Part V of the Planning and Development Act 2000, as amended,
- e) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- f) the planning history of the site, and
- g) the nature and scale of the proposed development,

AND WHEREAS An Bord Pleanála has concluded that the imminent use of the dwelling units permitted under the parent grant of permission, PA Reference No. LB160659 and subject to modifications as set out under the grants of permission, PA Reference Nos. LB180519 and LB190293, as exclusively Part V, Planning and Development Act 2000, as amended, does not involve the carrying out of any works on, in, or under land and does not constitute a material change in the use of any structures or other land, and therefore does not constitute development and is as a consequence exempted development.

NOW THEREFORE, An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the imminent use of the dwelling units permitted under the parent grant of permission, PA Reference No. LB160659 and subject to modifications set out under the grants of permission, PA Reference Nos. LB180519 and LB190293, as exclusively Part V, Planning and Development Act 2000, as amended, is not development.

Board Member:



Dave Walsh

Date: 13/10/2021

