

An
Bord
Pleanála

Board Direction
BD-010185-22
ABP-310327-21

Re: Amending Board Order

S146A of the Planning and Development Act, 2000, as amended

The submissions on this file, including correspondence on behalf of the applicant for permission dated 15th September 2021 and 3rd November 2021, and subsequent judicial review proceedings brought by the applicant for permission were considered at a Board meeting held on 08/03/2022.

The Board decided to exercise its powers under section 146A(1)(b)(iii) of the Planning and Development Act 2000, as amended, to amend its Order of the 13th day of September 2021, by amending Condition 5 in order to facilitate the operation of the permission.

The Board considered that Condition 5 should be amended to clarify and confirm that the Condition is only intended to apply to any house or duplex unit in the permitted development. Condition 5 was not intended to apply to all residential units in the permitted development and, in particular, was not intended to apply to the permitted apartments.

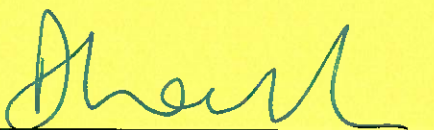
The Board considered that the amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission, and that it would facilitate the operation of the permission, as intended.

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.

Therefore, in accordance with the provisions of section 146A(1)(b)(iii) of the Planning and Development Act 2000, as amended, the Board hereby amends its Order of the 13th day of September 2021 by amending Condition 5 as follows:

- "5. Prior to the commencement of any house or duplex unit in the development as permitted, the developer or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each house and duplex unit, pursuant to section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted to first occupation by individual purchasers, i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good."

Board Member:  Date: 08/03/2022
Dave Walsh