



An  
Bord  
Pleanála

**Board Direction  
ABP-311048-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/05/2022.

The Board decided, as set out in the following Order, that

Board Order as follows:-

**WHEREAS** a question has arisen as to whether a change in the use of 64 residential units to social and affordable housing is or is not development or is or is not exempted development.

**AND WHEREAS** Denis O'Sullivan requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 14<sup>th</sup> day of July, 2021 stating that the matter was not development.

**AND WHEREAS** Denis O'Sullivan referred his declaration for review to An Bord Pleanála on the 6<sup>th</sup> day of August 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,
- (c) the planning history of the site,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The use of an additional residential 64 units for social and affordable housing within a mixed-use development permitted under PA Ref. 18/1166 does not constitute development by virtue of the fact that it would not require the carrying out of 'works' as defined under Section 2(1) of the Planning and Development Act, and would not constitute a material change in the permitted use of the units.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) of the 2000 Act, hereby decides that the use of an additional residential 64 units for social and affordable housing within a mixed-use development permitted under PA Ref. 18/1166 is not development.

**Board Member:** Patricia Calleary **Date:** 25/05/2022  
Patricia Calleary