

An
Bord
Pleanála

Board Direction
BD-013659-23
ABP-313429-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/09/2023.

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 / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Remove condition number 11 and 12

Reasons and Considerations

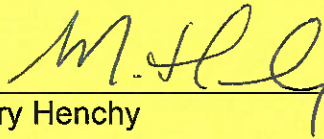
Having regard to the following:

- the scope and costs of the works, which would be required by Condition Nos. 11 and 12 of the Planning Authority's Notification of Decision to Grant Permission, would not be necessary or reasonable to facilitate the construction or operation of the proposed development which, it is further considered, would not have any appreciable impact on the capacity of Bow Lane, or the existing public drainage network for the area, and certainly not such that would justify the requirement of the entirety of the cost to be borne by the developer; and

- the Planning Authority has not made a coherent case in the reports on file, or as part of a response to the grounds of appeal, which would justify the extent and scope of the works as required by Condition Nos. 11 and 12;

it is considered that Condition Nos. 11 and 12 of the Planning Authority's Decision would be contrary to the Development Management Guidelines for Planning Authorities (2017) and specifically the criteria for conditions as set out under section 7.3, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:



Mary Henchy

Date: 11/09/2023