

An
Bord
Pleanála

Board Direction
BD-012628-23
ABP-314677-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/06/2023.

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, that the planning authority be directed, as follows:

Having regard to the nature of the conditions, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000 to AMEND condition number 2 and to REMOVE conditions numbers 5 and 6 that they shall be as follows for the reasons set out below.

2. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details for the setting back of the front boundary within the full extent of the land holding frontage along the R128. These works shall also provide for the widening of the public footpath to a minimum of two metres and shall be set out as provided for in drawing number D1185-A3-15 Rev. A 'CONDITION 5: of An Bord Planning Decision 306798-20' received by the planning authority on the 8th day of July, 2022. The

cost of these works shall be fully borne by the developer and at no cost to the planning authority.

Reason: In the interests of orderly development and traffic safety.

Reasons and Considerations

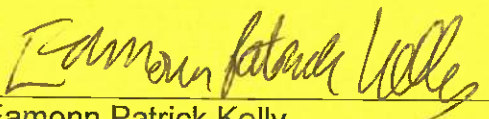
In relation to condition number 2:

It is considered that the amendment of condition number 2 is necessary in the interests of orderly development and traffic safety and the proper planning and sustainable development of the area.

In relation to conditions numbers 5 and 6:

Having regard to the nature of the proposed development, which involves the alteration of the development previously permitted on appeal under ABP-306798-20 through the amendment of that extant grant of planning permission which is yet to be implemented, it is considered that the imposition of condition numbers 5 and 6 is not warranted and that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Board Member:


Eamonn Patrick Kelly

Date: 28/06/2023

