

**An
Bord
Pleanála**

**Board Direction
BD-012918-23
ABP-315709-23**

**Re: Amending Board Order
S146A of the Planning and Development Act, 2000, as amended**

The submissions on this file were considered at a Board meeting held on 17/07/2023.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of 26th May 2023

The Board decided that;

(1) a clerical error had occurred.

It is considered that amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission or decision. Having regard to the nature of the issue involved, specifically that the original Direction which confirmed the decision of the Board on this case, included condition nos. 31 and 32 along with an explanatory note detailing the reasons for the Board's decision to attach these conditions, that this Board Direction was formally attached to the Order as sent to all parties, and that the omission of these conditions in the Order was therefore a clear clerical error, 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/other matter.

Accordingly, the Board hereby amends the above-mentioned decision by the addition of condition nos. 31 and 32 of the original Board Direction dated 23rd May 2023, in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

31. The developer shall pay to the planning authority a financial contribution in lieu of public open space provision, in accordance with the terms of note 5 'open space shortfall' of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine. The shortfall in public open space for the purposes of this condition is set at 3.7 hectares.

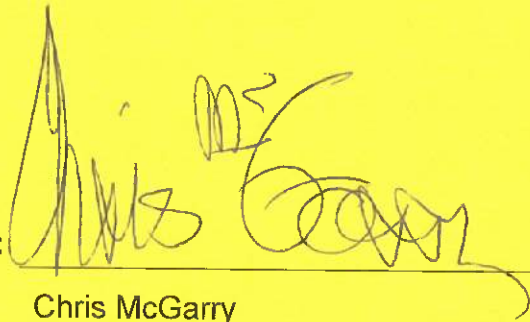
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

32. The developer shall pay to the planning authority a financial contribution in lieu of playground facilities, in accordance with the terms of note 5 'open space shortfall' of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine. The shortfall in playground facilities for the purposes of this condition is set at 2,657 square metres.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member:

A handwritten signature in black ink, appearing to read 'Chris McGarry', written over a horizontal line. The signature is stylized and cursive.

Chris McGarry

Date: 17/07/2023

