



An  
Bord  
Pleanála

## Board Direction 26.RP2151

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 2<sup>nd</sup> 2018.

The Board determined that the provision of part of the development consisting of houses/sites numbers 20 to 27 would comply with the requirements of condition 2 of planning permission register reference number 20061351.

Board Order as follows:-

**WHEREAS** by Order dated the 23<sup>rd</sup> day of November 2006, under planning register reference number 20061351, Wexford County Council granted, subject to conditions, planning permission to JPK Developments Ltd for development comprising the construction of 50 number dwellings and associated site works (the duration of which permission was extended under register reference number 20061351E) at Ard na Slaine, Ballyboggan, Wexford Rural, Wexford.

**AND WHEREAS** condition number 2 attached to this permission required the developer to enter into agreement with the planning authority, pursuant to Part V of the Planning and Development Act 2000, and Part 2 of the Planning and Development (Amendment) Act 2002, relating to the provision of social and affordable housing on site, and that details of the legal agreement were to be finalised with the local authority within 8 weeks of the date of notification of grant of planning permission.

**AND WHEREAS** the developer and the planning authority failed to agree on the above details in compliance with the terms of this condition.

**AND WHEREAS** the matter was referred by the developer to An Bord Pleanála on the 22<sup>nd</sup> day of June 2017, for determination.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act 2000, as amended, and for the Reasons and Considerations set out below, hereby determines that the provision by the developer of part of the development site in question, consisting of houses/sites numbers 20 to 27, would comply with the requirements of condition 2 of the relevant planning permission.

## **REASONS AND CONSIDERATIONS**

Having regard to section 34(5) of the Planning and Development Act 2000, as amended, the submissions on file, and the planning history of the site (including evidence of correspondence between the planning authority and the developers of the site), it is considered that the provision of that part of the overall development site, consisting of houses/sites 20 to 27, would be appropriate and sufficient, in the particular circumstances of this case, to meet the developer's obligations under Part V of the Planning and Development Act, 2000, as amended, and therefore would comply with the requirements of condition 2 of the relevant planning permission.

**Board Member**

**Date:** 17<sup>th</sup> July 2018

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Philip Jones