An Bord Pleanála

Board Order

ABP-311048-21

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX 37/2021

WHEREAS a question has arisen as to whether a change in the use of 64 residential units to social and affordable housing at Dargan Hall, Station Road, Bray, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Denis O'Sullivan care of Gerard I. Lamb, Solicitor of 13 Clarinda Park North, Dun Laoghaire, County Dublin requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 14th day of July, 2021 stating that the said matter is not development:

AND WHEREAS Denis O'Sullivan referred the declaration for review to An Bord Pleanála on the 6th 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, as amended, and

(c) the planning history of the site,

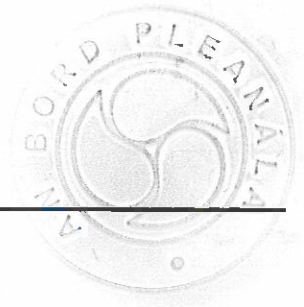**AND WHEREAS** An Bord Pleanála has concluded that -

The use of an additional residential 64 units for social and affordable housing within a mixed-use development permitted under Planning Reference Number 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 2000, as amended 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 Planning Register Reference Number 18/1166 is not development.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 1ST day of June, 2022