

File With _____

SECTION 131 FORM

Appeal NO: PL ABP-304771-19

Defer Re O/H

TO:SEO

Having considered the contents of the submission dated/ received 23.7.19
from

P.A.

I recommend that section 131 of the Planning and Development Act, 2000

~~be~~ not be invoked at this stage for the following reason(s): In the interests of justice
New Regulations

E.O.: S Deigh

Date: 29/7/19

To EO: _____

Section 131 not to be invoked at this stage.

Section 131 to be invoked -- allow 2/4 weeks for reply.

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M Ms. Kelsh

TASK: 129960

Please prepare BP RL70 - Section 131 notice enclosing a copy of the attached submission

to: PARTIES (x2)

Allow 2 3/4 weeks - BPRL70

EO: S Deigh

Date: 29.7.19

AA: Anna Kelsh

Date: 29.07.2019

File With _____

CORRESPONDENCE FORM

Appeal No: ABP-304771-19

M Ms. Kelsh

Please treat correspondence received on 23/7/19 as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP <u>RL 20</u> 3. Keep copy of Board's Letter <input type="checkbox"/>	1. RETURN TO SENDER with BP _____ 2. Keep Envelope: <input type="checkbox"/> 3. Keep Copy of Board's letter <input type="checkbox"/>
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Amendments/Comments <u>Received P.A. resp. to BPRLO7</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input checked="" type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input checked="" type="checkbox"/> → P.T.O.
--	---

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>S Deisth</u>	AA: <u>Anna Kelsh</u>
Date: <u>29.7.19</u>	Date: <u>29.07.2019</u>



Planning & Property Development Department,
Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8.

An Roinn Pleanála & Forbairt Maoine
Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

t. (01) 222 2288
e. planning@dublincity.ie

July 16, 2019

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

RE: 13 - 18 Grattan Court East, Dublin 2

Your Ref: ABP-304771-19

Plan Ref: 0203/19

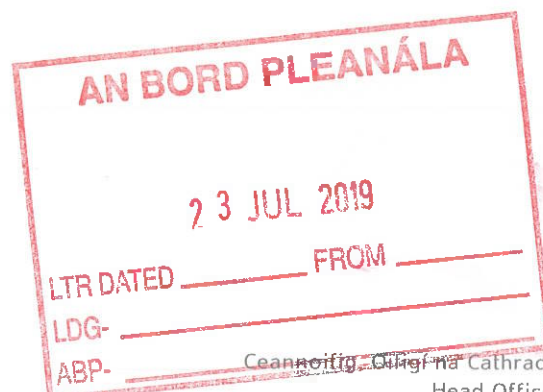
A Chara

I refer to your letter dated 2nd July 2019 regarding the above Section 5 application.

Please find attached our response in relation to the above referral.

Mise le meas

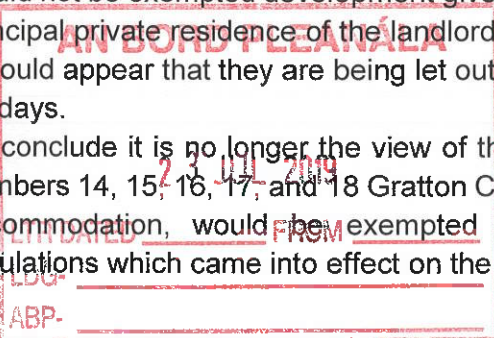

Oliver O'Leary
Assistant Staff Officer
for Executive Manager



Planner's Assessment:

I refer to the submitted grounds of appeal and recommend that the following observation be forwarded to An Bord Pleanála:

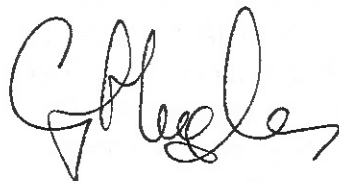
1. The reasoning on which the Planning Authority's decisions on this application is based is set out in the Planner's Report and has already been forwarded to An Bord Pleanála. It is noted that this was a split decision. I will first deal with the grant of exemption certificate for Numbers 14, 15, 16, 17 and 18 Gratton Court East
2. The Planning Authority considers that the comprehensive planning report deals fully with the relevant issues raised and justifies its decision with regard to Numbers 14, 15, 16, 17 and 18 Gratton Court East at the time the decision was made. However, it is noted that since the decision was made by the Planning Authority on the 31st May 2019, new regulations have come into effect. These include the Residential Tenancies (Amendment) Act 2019 and supplementary regulations made by the Minister for Housing, Planning and Local Government entitled the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019. They came into effect on the 1st of July 2019.
3. I have attached a copy of Statutory Instrument No. 235 of 2019 for consideration as part of this appeal.
4. It is noted that the new provisions will only apply in areas designated as "rent pressure zones" under the Residential Tenancies Act 2004, as amended. The site is located within a rent pressure zone.
5. From a review of the new regulations which came into effect on the 1st of July 2019, the townhouses (numbers 14, 15, 16, 17 and 18 Gratton Court East) would not be exempted development given the houses in questions are not the principal private residence of the landlord or licensor concerned. Furthermore, it would appear that they are being let out for a cumulative period of more than 90 days.
6. To conclude it is no longer the view of the Planning Authority that the use of numbers 14, 15, 16, 17, and 18 Gratton Court East Dublin 2 as overnight guest accommodation, would be exempted development in light of the new regulations which came into effect on the 1st of July.



7. With regard to number 13 Gratton Court East Dublin 2, the reasoning on which the Planning Authority's decision on this application is based is set out in the Planner's Report and has already been forwarded to An Bord Pleanála. The Planning Authority considers that the comprehensive planning report deals fully with the relevant issues raised and justifies its decision with regard to Number 13 at the time the decision was made. However, it is noted that the new regulations which come into effect on the 1st July 2019 also apply to apartments and that in this instance as the apartment in question is not the principal private residence of the landlord or licensor concerned. As such, this would be a further reason why it is would not be considered exempted development.



Mary O'Shaughnessy
Executive Planner
Date: 12th July 2019





STATUTORY INSTRUMENTS.

S.I. No. 235 of 2019

PLANNING AND DEVELOPMENT ACT 2000 (EXEMPTED
DEVELOPMENT) (NO. 2) REGULATIONS 2019

AN BORD PLEANÁLA

23 JUL 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

S.I. No. 235 of 2019

PLANNING AND DEVELOPMENT ACT 2000 (EXEMPTED
DEVELOPMENT) (NO. 2) REGULATIONS 2019

WHEREAS I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, am of the opinion that development to which the following regulations apply would not offend against principles of proper planning and sustainable development by reason of the nature of development belonging to that class; and

WHEREAS a draft of the following regulations has been laid before each House of the Oireachtas and a resolution approving that draft has been passed by each such House;

NOW I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by subsection (2) of section 4 and section 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order (S.I. No. 358 of 2017)), hereby make the following regulations:

1. (1) These Regulations may be cited as the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.

(2) The Planning and Development Regulations 2001 to 2018, the Planning and Development Act 2000 (Exempted Development) Regulations 2019 (S.I. No. 12 of 2019) and these Regulations may be cited together as the Planning and Development Regulations 2001 to 2019.

(3) These Regulations shall come into operation on 1 July 2019.

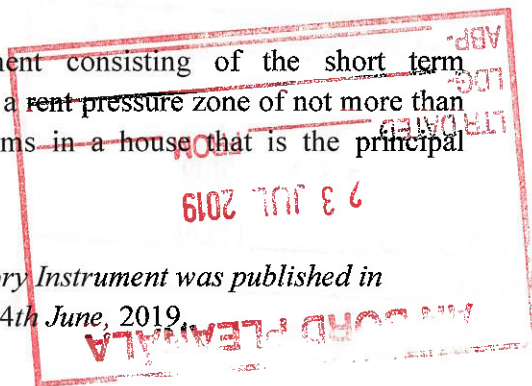
2. In these Regulations “Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

3. Article 6 of the Principal Regulations is amended by the insertion of the following subarticle:

“(5) (a) Each of the following shall be exempted development:

- (i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal

Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th June, 2019.



private residence of the landlord or licensor concerned provided that –

(I) it is a condition of the short term letting that each bedroom that is the subject of the letting shall not be occupied by more than 4 persons,

and

(II) the development –

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission;

(ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that –

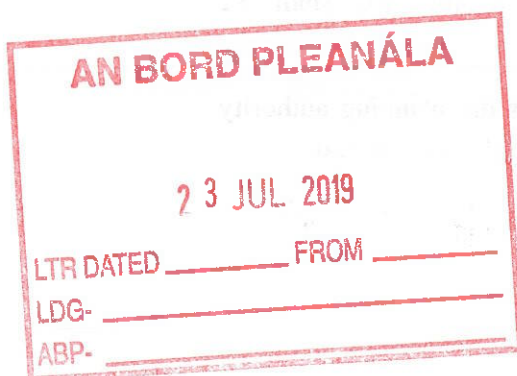
(I) the aggregate number of days during a year in which the house is the subject of short term lettings does not exceed 90 days, and

(II) the development –

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission.

(b) Where a person proposes to undertake development to which paragraph (a) applies, he or she shall, not later than 2 weeks before the commencement of the development, notify the planning authority in whose functional area the proposed development will occur of the proposed development, or cause that planning authority to be so notified, in writing.

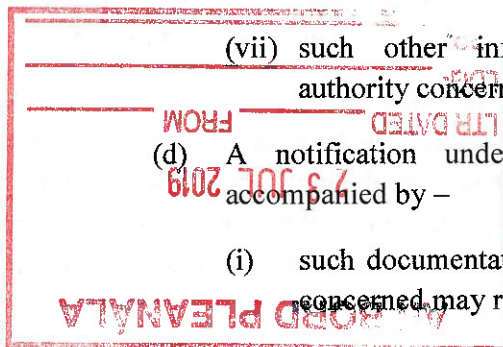


- (c) A notification under paragraph (b), shall include the following -
- (i) the name of the person giving the notification, or on whose behalf the notification is being given, and documentary confirmation that the proposed development relates to the person's principal private residence;
 - (ii) if the person giving the notification or on whose behalf the notification is being given is not the owner of the house concerned, the consent in writing of the owner to the proposed development;
 - (iii) the address and eircode of the house concerned;
 - (iv) contact information in relation to –
 - (I) the person giving the notification or on whose behalf the notification is being given, and
 - (II) the owner of the house concerned;
 - (v) in the case of proposed development to which subparagraph (i) of paragraph (a) applies, a statement that the proposed development is development to which that subparagraph applies;
 - (vi) in the case of proposed development to which subparagraph (ii) of paragraph (a) applies, a statement that the proposed development is development to which that subparagraph applies; and

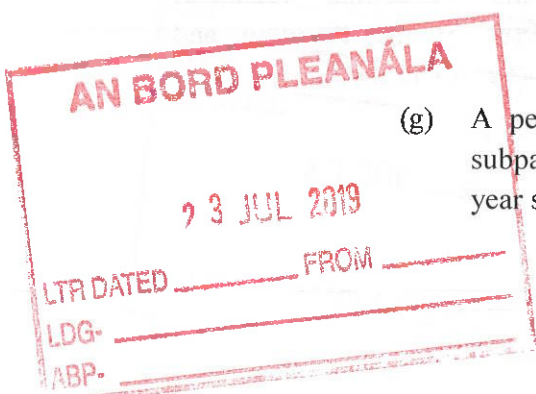
(vii) such other information as the planning authority concerned may reasonably require.

(d) A notification under paragraph (b), shall be accompanied by –

- (i) such documentation as the planning authority concerned may reasonably require, and



- (ii) in case the notification relates to development to which subparagraph (i) of paragraph (a) applies, a statutory declaration made by the person giving the notification, or on whose behalf the notification is being given, declaring that –
 - (I) the house in respect of which the proposed development is to be carried out is that person's principal private residence,
 - (II) not more than 4 bedrooms in that house will be subject to the short term letting concerned, and
 - (III) it will be a condition of the short term letting concerned that each such bedroom shall not be occupied by more than 4 persons.
- (e) A planning authority shall maintain a record in writing of all information contained in a notification under paragraph (b).
- (f) A person who proposes to carry out development to which subparagraph (ii) of paragraph (a) applies shall not later than 4 weeks after the commencement of each year in which he or she intends to carry out the proposed development and before the commencement of any such development in that year –
 - (i) complete Form No. 15 specified in Schedule 3 and give it to the planning authority in whose functional area the development will occur, and
 - (ii) provide that planning authority with a statutory declaration made by that person declaring that the house in respect of which the proposed development is to be carried out is that person's principal private residence.
- (g) A person who carries out development to which subparagraph (ii) of paragraph (a) applies in any year shall –



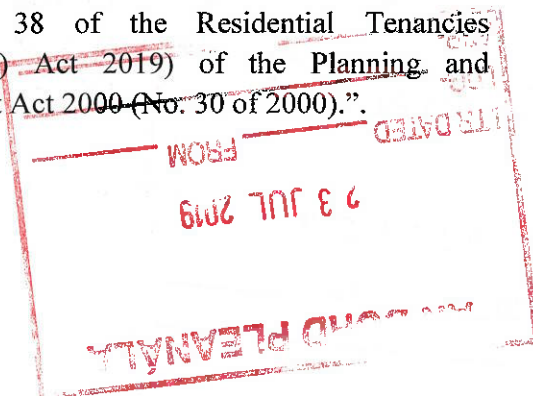
- (i) upon the expiration of 2 weeks after the day that is the 90th day on which such development occurs in that year, complete Form No. 16 specified in Schedule 3 and give it to the planning authority in whose functional area the development occurred, and
- (ii) not later than 4 weeks after the end of that year, complete Form No. 17 specified in Schedule 3 and give it to the planning authority in whose functional area the development occurred,

and each such form shall be accompanied by a statutory declaration made by that person declaring that –

- (I) the aggregate number of days during the year concerned in which the house was the subject of short term lettings did not exceed 90 days, and
 - (II) the house that was the subject of those short term lettings was, during the period of those lettings, the person's principal private residence.
- (h) A planning authority shall enter all such information as is contained in the forms referred to in paragraphs (f) and (g) in the record maintained in accordance with paragraph (e).
- (i) In this subarticle –

'principal private residence' means, in relation to a house that is the subject of a short term letting, a house in which the landlord or licensor concerned ordinarily resides;

'rent pressure zone' and 'short term letting' have the meanings assigned to them by section 3A (inserted by section 38 of the Residential Tenancies (Amendment) Act 2019) of the Planning and Development Act 2000 (No. 30 of 2000)."



4. Schedule 3 to the Principal Regulations is amended by the insertion of the forms specified in the Schedule to these Regulations.

AN BORD PLEANÁLA

23 JUL 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

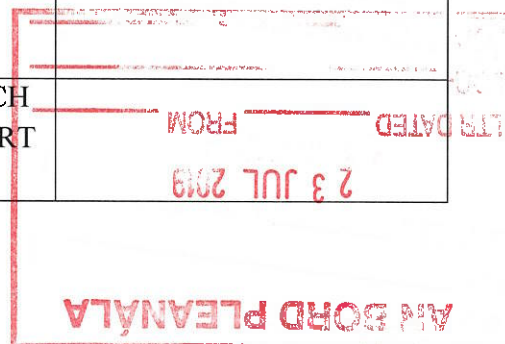
SCHEDULE

Form No. 15

Article 6(5)

START OF YEAR NOTIFICATION FORM FOR HOMESHARING/ SHORT
TERM LETTING UNDER ARTICLE 6(5)(b) OR ARTICLE 6(5)(f) OF THE
REGULATIONS

PART A- NOTIFICATION DETAILS REQUIRED	
1. ADDRESS AND EIRCODE OF RELEVANT PROPERTY:	
2. NAME OF RELEVANT PLANNING AUTHORITY:	
3. NAME OF PERSON/S MAKING THE NOTIFICATION:	
4. DOCUMENTATION TO CONFIRM THE PROPERTY IS A PRINCIPAL PRIVATE RESIDENCE:	
5. IF YOU ARE NOT THE LEGAL OWNER OF THE PROPERTY, HAVE YOU ATTACHED THE OWNERS CONSENT TO USE THE PROPERTY FOR SHORT TERM LETTING	
6. IS THE PROPERTY BEING USED FOR:	
(i) HOMESHARING (TO WHICH ARTICLE 6(5)(a)(i) REFERS),	
(ii) SHORT TERM LETTING (TO WHICH ARTICLE 6(5)(a)(ii) REFERS),	
(iii) OR BOTH	
(iv) DATE IN THE YEAR WHICH FIRST INSTANCE OF SHORT TERM LETTING WILL	



	OCCUR:	
(v)	TOTAL INTENDED DAYS IN THE YEAR SHORT TERM LETTING WILL OCCUR:	
(vi)	INTENDED PERIODS IN THE YEAR FOR SHORT TERM LETTING:	

PART B - CONTACT DETAILS (PERSON MAKING THE NOTIFICATION)	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

PART C- CONTACT DETAILS (LEGAL OWNER)*	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

*Complete Part C if the person making the notification is not the legal owner of the property

I _____ hereby declare that the property indicated at (1) above is my principal private residence and that all information contained in this form is true and correct.

AN BORD PLEANÁLA	
Signed	
23 JUL 2019 Date of Notification	
LTR DATED _____ FROM _____	
LDG- _____	
ABP- _____	



Form No. 16

Article 6(5)

NOTIFICATION FORM FOR SHORT TERM LETTING UNDER ARTICLE
6(5)(g)(i) OF THE REGULATIONS WHERE THE 90 DAY THRESHOLD IS
EXCEEDED *

*This form is only required to be completed by a person who lets their principal private residence while they are temporarily absent from the property for a cumulative period of 90 days.

PART A - 90 DAY NOTIFICATION OF SHORT TERM LETTING TO WHICH ARTICLE 6(5)(a)(ii) APPLIES	
1. ADDRESS AND EIRCODE OF RELEVANT PROPERTY:	
2. DATE ON WHICH THE 90 DAY CAP FOR SHORT TERM LETTING WAS REACHED:	
3. PERIODS PROPERTY WAS USED FOR SHORT TERM LETTING:	

PART B - CONTACT DETAILS	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

I _____ hereby declare that the property indicated at (1) above is my principal private residence and that all information contained in this form is true and correct.

AN DOB PLEANÁLA

23 JUL 2019

LTR DATED _____ FROM _____

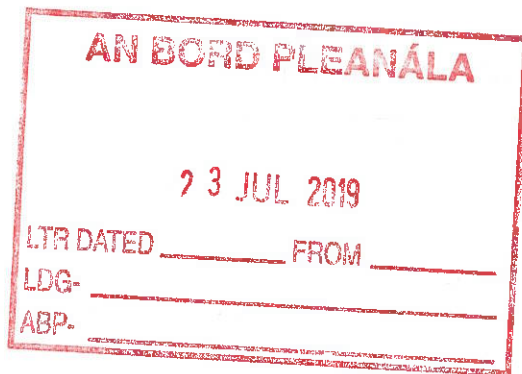
LDG- _____

ADD _____

12 [235]

Signed

Date of Notification



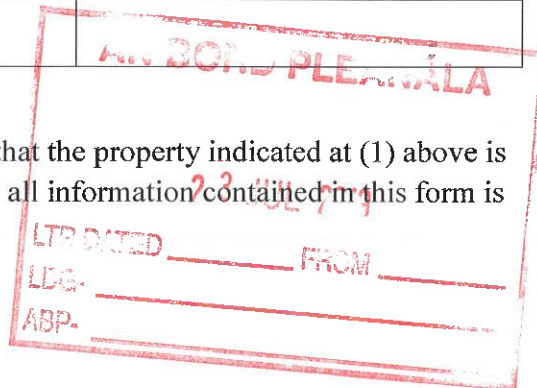
END OF YEAR NOTIFICATION FORM FOR SHORT TERM LETTING
UNDER ARTICLE 6(5)(g)(ii) OF THE REGULATIONS *

*This form is to be completed by any person who has let their principal private residence for short term letting purposes during the calendar year.

PART A - END OF YEAR NOTIFICATION OF SHORT TERM LETTING TO WHICH ARTICLE 6(5)(a)(ii) APPLIES	
1. ADDRESS AND EIRCODE OF RELEVANT PROPERTY:	
2. TOTAL NUMBER OF DAYS DURING THE YEAR SHORT TERM LETTING OCCURED:	
3. PERIODS DURING THE YEAR SHORT TERM LETTING OCCURED:	

PART B- CONTACT DETAILS	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

I _____ hereby declare that the property indicated at (1) above is my principal private residence and that all information contained in this form is true and correct.



14 [235]

Signed

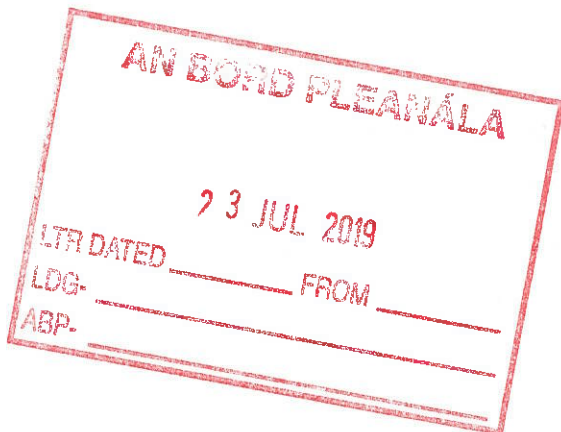
Date of Notification



GIVEN under my Official Seal,
30 May 2019.

EOGHAN MURPHY

Minister for Housing, Planning and Local Government.



EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Planning and Development Regulations 2001, as amended (the Principal Regulations).

Article 3 of these Regulations amends Article 6 of the Principal Regulations, by inserting a new sub-article (5), to provide that development involving a change of use relating to homesharing and limited short term letting, in a principal private residence in a rent pressure zone, is exempt from the requirement to obtain planning permission, subject to certain notification requirements.

The Regulations take effect from 1 July 2019, concurrent with the commencement of new section 3A of the Planning and Development Act 2000, as inserted by section 38 of the Residential Tenancies (Amendment) Act 2019.

AN BORD PLEANÁLA	
23 JUL 2019	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	



BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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