

M Tucker

Dáire L. L. L. Caden

From: Bord
Sent: Dé hAoine 28 Meitheamh 2024 14:24
To: Appeals2
Subject: FW: Your Ref: ABP-318832-24 [WFRY-LEGAL.FID462800]
Attachments: Letter to an Bord Pleanála dated 28 June 2024(73252613.1).pdf; Submission to an Bord Pleanála dated 28 June 2024(73251940.1).pdf; 280624 Final TBP Fonthill Retail Park - SD15a0195 (1).pdf

From: Abell, Kate <Kate.Abell@Williamfry.com>
Sent: Friday, June 28, 2024 12:47 PM
To: Bord <bord@pleanala.ie>
Cc: elva@elvacarbary.ie; O'Gorman, Aisling <Aisling.OGorman@williamfry.com>; Collins, Georgia <Georgia.Collins@williamfry.com>
Subject: Your Ref: ABP-318832-24 [WFRY-LEGAL.FID462800]

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Dear Colleagues

Please see the attached correspondence for your attention.

Yours faithfully

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WILLIAM FRY

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Our Ref 021230.0095
Your Ref ABP-318832-24

28 June 2024

By Registered Post and By Email: bord@pleanala.ie

FAO Mary Tucker
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01V902

Re: Whether a material change of use arises by reason of the type of goods being sold and consequently whether it is or is not exempted development. Unit 3 Fonthill retail Park, Fonthill Road, Dublin 22 (Ref ABP-318832-24)

Our Client: Poundland Limited

Dear Colleagues

We refer to the above matter and your letter dated 11 June 2024.

We now attach the following by way of submission:

1. Submission to an Bord Pleanála on behalf of Poundland Limited; and
2. Opinion from Tony Bamford Planning on the implementation of planning permission SD15a/0152.

Yours faithfully

William Fry LLP

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Whether a material change of use arises by reason of the type of goods being sold and consequently whether it is or is not development or is or is not exempted development. Unit no. 3 Fonthill Retail Park, Fonthill Road, Dublin 22.

Dear Sir/Madam,

We refer to your letter dated 11 June 2024 and the request for submissions pursuant to Section 131 of the Planning and Development Act 2000, as amended. ("Act"). As you are aware and as outlined in your letter dated 11 June 2024, the matter of the Section 5 Referral has arisen following the Order of Justice Ferriter in the decision of *PKB Partnership v An Bord Pleanála* [2018] 661 JR..

By way of appeal, PKB Partnership sought a Section 5 Declaration from An Bord Pleanála ("Board") to the decision of South Dublin County Council dated 2 November 2016. The Section 5 Declaration dated 28 November 2016 sought by PKB Partnership ("Section 5 Referral") relates to a specific query regarding the use of the premises at "Unit no 3, Fonthill Retail Park, Fonthill Road, Dublin 22" ("Premises"). It is noted that the Section 5 Referral relates to the "goods being sold" at the Premises and whether arising from that retail use, a material change in use arises that is or is not development.

It is noted, that the Section 5 Referral does not seek to raise issues or seek clarification in respect of the established retail warehouse development permitted in accordance with Planning Permission Reference S97A/0791 granted pursuant to the Planning and Development Act 1963, as amended.

It is understood and was confirmed by the Court in the Decision of Justice Ferriter that Planning Permission Reference 97A/0791 dated 19 March 1998 ("1998 Permission") "does not entail a restriction on retail warehouse use equivalent to that now found in the various iterations of the retail planning guidelines" and the "permitted use in 1998 as a retail warehouse was not confined to use for the retail sale of bulky goods".

We understand that sub-division works were carried out at the Premises, prior to our client's occupation, however, upon examination of the planning file in respect of planning permission reference SD15A/0152,

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¹Not a member of the Law Society of Ireland

we are advised that it is not evident that the sub-division works were carried out pursuant to this Planning Permission Reference 15A/0152, which does not appear to have been implemented and the works may have been carried out pursuant to the exempted development provisions under the Planning and Development Regulations 2001, as amended that would have been applicable in respect of the development. In circumstances where exempted development works have been carried out the Supreme Court held in *Fingal County Council v William P Keeling & Sons Ltd* [2005] IEHC 55 that *"If a proposed development is, in fact and in law, an exempted development, no principle has been identified whereby the owner of land should be estopped from asserting the exemption."*

Therefore, the planning history including a previous Section 5 Declaration may be informative in the context of the Section 5 Referral, all factual circumstances in respect of this development must be fully and properly understood and taken into account when making a determination. It is clear in the context of the first Section 5 Declaration dated 2 June 2016 sought by Save the Town Centres Limited ("First Section 5 Referral") and this Section 5 Referral, prior to being remitted to the Board, that we were not afforded an opportunity to make submissions. It is clear also that the factual understanding of South Dublin County Council and the Board were based on an erroneous understanding of the permitted development under the 1998 Permission. As set out in the Judgment of Justice Ferriter, the 1998 Permission *"does not entail a restriction on retail warehouse use equivalent to that now found in the various iterations of the retail planning guidelines"* and the retail sale of non-bulky goods is not restricted under the 1998 Permission.

Reformulation of question

It is our position that the use of the Premises as a retail unit is not in dispute nor is the nature of that retail store being a discount store or otherwise, a matter for consideration. It should not form part of the Section 5 Referral. There can be no consideration of the nature of the retail warehouse itself where no change in use has arisen. As appropriately, detailed by the landlord, PKB Partnership as set out in the Section 5 Referral, the only issue for consideration relates to the nature of the goods being sold at the retail unit. In those circumstances, it is our position that the reformulation of the Section 5 Referral is incorrect, and its predetermined characterisation of the retail unit, gives rise to considerations that are not in our view, matters raised in the Section 5 Referral and therefore not matters that arise for consideration. By its nature and description, the Section 5 Referral and any ABP consideration of the reformulated question has the potential to impose an incorrect interpretation on the planning permission granted and an unlawful restriction on the future use of the Premises. ABP are obliged in considering all of the factual circumstances to carry out a full de novo review of the planning status, in light of the High Court Judgment and all of the relevant factual circumstances.

Narconon Trust

With regard to the matter of the Court of Appeal in *Narconon Trust v. An Bord Pleanála* [2021] IECA 307, we note the Board's position that it proposes to take that decision into account. With reference to the First Section 5 Referral, it is noted that the factual circumstances have changed and understanding in respect of the development were not fully appreciated and understood at the date of the determination by South Dublin County Council dated 2 June 2016. The analysis was based on a misunderstanding that the nature of the retail use has changed and that the Retail Planning Guidelines for Planning Authorities dated April 2012 could be relied upon for the purposes of their assessment of the retail use and the meaning of retail warehouse, which is incorrect. There has been a continuing occupation by a retailer and an established retail warehouse use at the Premises following the grant of the 1998 Permission. There is no definition of retail warehouse in law and the Retail Planning Guidelines for Planning Authorities dated April 2012 do

WILLIAM FRY

not apply to the description in Planning Permission S97A/0791 when granted and cannot be retrospectively applied to that permission.

While the Board may deem the First Section 5 Referral to be informative, in our view it suffers a mistaken analysis that cannot be relied upon in the context of this remitted Section 5 Referral. In addition, it is worth noting that the First Section 5 Referral, was not the subject of any public participation nor any notification to PKB Partnership or our client as occupier. It only came to the attention of PKB Partnership following a warning letter detailing allegations of unauthorised development arising from a complaint by Save the Town Centres Limited. Following the First Section 5, the factual position, circumstances and understanding of the nature of the development has fundamentally changed. Therefore, the factual position that prevails in this Section 5 Referral can be readily distinguished from *Narconon Trust v. An Bord Pleanála* [2021] IECA 307.

We look forward to your determination in this Section 5 Referral. If you have any further questions or clarification in relation to this submission, please let us know.

Yours faithfully

A handwritten signature in black ink that reads "William Fry". The signature is written in a cursive, slightly stylized font.

William Fry LLP

Job Number: 23052
Letter Reference: 280624
Date: 28 June 2024

Kate Abell
William Fry LLP
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& *Technology Park*, Clonshaugh, Dublin 17
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Dear Kate

Re: Planning application reference SD15a/0152 and Section 5 Reference ABP-318832-24

I have been asked to provide my opinion on whether the planning permission SD15a/0152 ("2015 Permission") had been implemented in the context of submission made to the Planning Authority (such as compliance with a planning condition/s) following the Final Grant, a copy of which is attached to this letter.

The 2015 permission was granted on the 4 September 2015 for a proposed development consisting of the following works:

"New internal subdivision walls, new loading door arrangement at south elevation, new toilets, 2 new fire exit doors to north elevation, new glazed double doors/screen to east elevation and signage to west elevation".

The permission was subject of 5 conditions, set out below:

Condition 1	<p><i>The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.</i></p> <p><i>REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.</i></p>
Condition 2	<p><i>The range of goods to be sold in the extended retail warehouse unit shall be limited solely to "bulky goods" (as defined in Annex 1 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012), and shall not include the sale of toys, footwear, sportswear or other clothing.</i></p> <p><i>REASON: In order to prevent an adverse impact on the viability and vitality of the town area and so as not to undermine the retail hierarchy of the area.</i></p>
Condition 3	<p><i>The water supply and drainage infrastructure, shall comply with the technical requirements of the Water Services Authority and/or Irish Water. (b) There shall be</i></p>

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PLANNING APPLICATIONS SECTION 5 APPLICATIONS EXEMPT DEVELOPMENT ENFORCEMENT
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CONSULTATION ENVIRONMENTAL IMPACT RETAIL IMPACT

	<p>complete separation of the foul and surface water drainage systems, both in respect of installation and use. (c) All works for this development shall comply with the following standards and/or the requirements of Irish Water: (1) The South Dublin County Council 'Specification for the Laying of Watermains and Drinking Water Supply' which can be viewed/downloaded from http://www.sdcc.ie/sites/default/files/publications/sdcc-water-specification-jan-2012.pdf and, (2) The Greater Dublin Regional Code of Practice for Drainage Works which can be viewed /downloaded from the South Dublin County Council website at the following link http://www.sdcc.ie/sites/default/files/publications/greater-dublin-regional-code-of-practice-for-drainage-works.pdf</p> <p>REASON: In the interests of public health and in order to ensure adequate water supply and drainage provision.</p>
Condition 4	<p>That details of the proposed signage shall be in accordance with the requirements of the Planning Authority. <u>In this regard, no development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority:</u></p> <p><u>(i) Revised plans providing for details of the proposed signage in accordance with the Planning Authority's policy and requirements, and (ii) A written commitment to undertake the development in accordance with the revised plans, and</u></p> <p><u>(iii) These requirements have been acknowledged in writing by the Planning Authority. The applicant is advised to consult with the Planning Authority before lodging the required plans. In addition, signage shall not be internally illuminated.</u></p> <p>REASON: In the interest of visual amenity.</p>
Condition 5	<p>All rooms, passageways, sanitary accommodation, and lobbies shall be ventilated to the outer air. Provision of adequate ventilation shall be provided throughout the proposed development:</p> <p>(i) in the case of natural ventilation, openings to the external air equivalent to a minimum of 5% of the floor area must be provided,</p> <p>(ii) otherwise, mechanical ventilation capable of achieving the following air changes per hour: offices 4-6 air changes per hour, stores 3 air changes per hour, WC's 3 air changes per hour, lobbies 2 air changes per hour.</p> <p>REASON: In the interest of public health and the proper planning and sustainable development of the area.</p>

Condition 4 required signage details to be lodged and agreed with the Planning Authority in writing. The applicant was also advised to consult with the Planning Authority before lodging the required plans.

There were also a series of "notes" attached to the Planning Permission which include:

"NOTES

Note 1: The developer is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

Note 2: To protect the amenities of the area, the applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

Note 3: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Note 4: In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

Note 5: The requirements of the Environmental Health Officer shall be ascertained prior to the commencement of development. (Our emphasis)

I reviewed the hard copy, public, planning file for SD15a/0152 at the offices of South Dublin County Council around 14 December 2022. The following is an assessment based on emailed notes to my client sent on 15 December 2022.

There was no evidence of any engagement with the Planning Authority or submission of plans in relation to signage under condition No.4, on the Council's hard copy file or their online digital file. In fact the online file contained more information than the hard copy file including internal and external reports in relation to the planning application by the:

- Council EHO;
- Council Roads; and,
- Irish water

Also, the online file included a copy of the Final Grant with only the Notification to Grant permission present on the hard copy file. Other than that the hard copy and online files are the same.

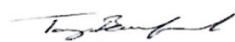
I spoke with a representative from planning administration who confirmed that any compliance submission would be held on the hard copy planning application file. She also checked their computer records and verbally confirmed (albeit tentatively) that no compliance was lodged.

With regard to the "Notes" which are not legally enforceable, there was no evidence on the public file that the requirements of the Environmental Health Officer had been ascertained prior to the commencement of development.

In my experience, the need to ensure any details that must be agreed with the Planning Authority arising from a condition of a Planning Permission (whether prior to commencement of development or at another time) must be complied with. Failure to do so can lead to enforcement action, loss of exempted development rights, and complications during negotiation for the sale or leasing of property.

This information supports my client's understanding that works of sub-division were not carried out pursuant to Planning Permission SD15A/0152 and were carried out pursuant to the exempted development provisions under the Planning and Development Regulations 2001, as amended that would have been applicable in respect of the development

Yours faithfully



Tony Bamford
Tel: 087 2903208



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AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
01 JUL 2024	
Fee: €	_____ Type: _____
Time: 9.00am	By: REG. POST

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We refer to the above matter and your letter dated 11 June 2024.

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we are advised that it is not evident that the sub-division works were carried out pursuant to this Planning Permission Reference 15A/0152, which does not appear to have been implemented and the works may have been carried out pursuant to the exempted development provisions under the Planning and Development Regulations 2001, as amended that would have been applicable in respect of the development. In circumstances where exempted development works have been carried out the Supreme Court held in *Fingal County Council v William P Keeling & Sons Ltd* [2005] IEHC 55 that *"If a proposed development is, in fact and in law, an exempted development, no principle has been identified whereby the owner of land should be estopped from asserting the exemption."*

Therefore, the planning history including a previous Section 5 Declaration may be informative in the context of the Section 5 Referral, all factual circumstances in respect of this development must be fully and properly understood and taken into account when making a determination. It is clear in the context of the first Section 5 Declaration dated 2 June 2016 sought by Save the Town Centres Limited ("First Section 5 Referral") and this Section 5 Referral, prior to being remitted to the Board, that we were not afforded an opportunity to make submissions. It is clear also that the factual understanding of South Dublin County Council and the Board were based on an erroneous understanding of the permitted development under the 1998 Permission. As set out in the Judgment of Justice Ferriter, the 1998 Permission *"does not entail a restriction on retail warehouse use equivalent to that now found in the various iterations of the retail planning guidelines"* and the retail sale of non-bulky goods is not restricted under the 1998 Permission.

Reformulation of question

It is our position that the use of the Premises as a retail unit is not in dispute nor is the nature of that retail store being a discount store or otherwise, a matter for consideration. It should not form part of the Section 5 Referral. There can be no consideration of the nature of the retail warehouse itself where no change in use has arisen. As appropriately, detailed by the landlord, PKB Partnership as set out in the Section 5 Referral, the only issue for consideration relates to the nature of the goods being sold at the retail unit. In those circumstances, it is our position that the reformulation of the Section 5 Referral is incorrect, and its predetermined characterisation of the retail unit, gives rise to considerations that are not in our view, matters raised in the Section 5 Referral and therefore not matters that arise for consideration. By its nature and description, the Section 5 Referral and any ABP consideration of the reformulated question has the potential to impose an incorrect interpretation on the planning permission granted and an unlawful restriction on the future use of the Premises. ABP are obliged in considering all of the factual circumstances to carry out a full de novo review of the planning status, in light of the High Court Judgment and all of the relevant factual circumstances.

Narconon Trust

With regard to the matter of the Court of Appeal in *Narconon Trust v. An Bord Pleanála* [2021] IECA 307, we note the Board's position that it proposes to take that decision into account. With reference to the First Section 5 Referral, it is noted that the factual circumstances have changed and understanding in respect of the development were not fully appreciated and understood at the date of the determination by South Dublin County Council dated 2 June 2016. The analysis was based on a misunderstanding that the nature of the retail use has changed and that the Retail Planning Guidelines for Planning Authorities dated April 2012 could be relied upon for the purposes of their assessment of the retail use and the meaning of retail warehouse, which is incorrect. There has been a continuing occupation by a retailer and an established retail warehouse use at the Premises following the grant of the 1998 Permission. There is no definition of retail warehouse in law and the Retail Planning Guidelines for Planning Authorities dated April 2012 do

not apply to the description in Planning Permission S97A/0791 when granted and cannot be retrospectively applied to that permission.

While the Board may deem the First Section 5 Referral to be informative, in our view it suffers a mistaken analysis that cannot be relied upon in the context of this remitted Section 5 Referral. In addition, it is worth noting that the First Section 5 Referral, was not the subject of any public participation nor any notification to PKB Partnership or our client as occupier. It only came to the attention of PKB Partnership following a warning letter detailing allegations of unauthorised development arising from a complaint by Save the Town Centres Limited. Following the First Section 5, the factual position, circumstances and understanding of the nature of the development has fundamentally changed. Therefore, the factual position that prevails in this Section 5 Referral can be readily distinguished from *Narconon Trust v. An Bord Pleanála* [2021] IECA 307.

We look forward to your determination in this Section 5 Referral. If you have any further questions or clarification in relation to this submission, please let us know.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'William Fry', with a stylized flourish at the end.

William Fry LLP

Job Number: 23052
Letter Reference: 280624
Date: 28 June 2024

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Dear Kate

Re: Planning application reference SD15a/0152 and Section 5 Reference ABP-318832-24

I have been asked to provide my opinion on whether the planning permission SD15a/0152 ("2015 Permission") had been implemented in the context of submission made to the Planning Authority (such as compliance with a planning condition/s) following the Final Grant, a copy of which is attached to this letter.

The 2015 permission was granted on the 4 September 2015 for a proposed development consisting of the following works:

"New internal subdivision walls, new loading door arrangement at south elevation, new toilets, 2 new fire exit doors to north elevation, new glazed double doors/screen to east elevation and signage to west elevation".

The permission was subject of 5 conditions, set out below:

Condition 1	<p><i>The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.</i></p> <p><i>REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.</i></p>
Condition 2	<p><i>The range of goods to be sold in the extended retail warehouse unit shall be limited solely to "bulky goods" (as defined in Annex 1 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012), and shall not include the sale of toys, footwear, sportswear or other clothing.</i></p> <p><i>REASON: In order to prevent an adverse impact on the viability and vitality of the town area and so as not to undermine the retail hierarchy of the area.</i></p>
Condition 3	<p><i>The water supply and drainage infrastructure, shall comply with the technical requirements of the Water Services Authority and/or Irish Water. (b) There shall be</i></p>

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PLANNING APPLICATIONS SECTION 5 APPLICATIONS EXEMPT DEVELOPMENT ENFORCEMENT
EXPERT WITNESS LOCAL AREA PLANS APPEALS PORTFOLIO MANAGEMENT COMMUNITY
CONSULTATION ENVIRONMENTAL IMPACT RETAIL IMPACT

	<p>complete separation of the foul and surface water drainage systems, both in respect of installation and use. (c) All works for this development shall comply with the following standards and/or the requirements of Irish Water: (1) The South Dublin County Council 'Specification for the Laying of Watermains and Drinking Water Supply' which can be viewed/downloaded from http://www.sdcc.ie/sites/default/files/publications/sdcc-water-specification-jan-2012.pdf and, (2) The Greater Dublin Regional Code of Practice for Drainage Works which can be viewed /downloaded from the South Dublin County Council website at the following link http://www.sdcc.ie/sites/default/files/publications/greater-dublin-regional-code-of-practice-for-drainage-works.pdf</p> <p>REASON: In the interests of public health and in order to ensure adequate water supply and drainage provision.</p>
Condition 4	<p>That details of the proposed signage shall be in accordance with the requirements of the Planning Authority. In this regard, no development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority:</p> <p>(i) Revised plans providing for details of the proposed signage in accordance with the Planning Authority's policy and requirements, and (ii) A written commitment to undertake the development in accordance with the revised plans, and</p> <p>(iii) These requirements have been acknowledged in writing by the Planning Authority. The applicant is advised to consult with the Planning Authority before lodging the required plans. In addition, signage shall not be internally illuminated.</p> <p>REASON: In the interest of visual amenity.</p>
Condition 5	<p>All rooms, passageways, sanitary accommodation, and lobbies shall be ventilated to the outer air. Provision of adequate ventilation shall be provided throughout the proposed development:</p> <p>(i) in the case of natural ventilation, openings to the external air equivalent to a minimum of 5% of the floor area must be provided,</p> <p>(ii) otherwise, mechanical ventilation capable of achieving the following air changes per hour: offices 4-6 air changes per hour, stores 3 air changes per hour, WC's 3 air changes per hour, lobbies 2 air changes per hour.</p> <p>REASON: In the interest of public health and the proper planning and sustainable development of the area.</p>

Condition 4 required signage details to be lodged and agreed with the Planning Authority in writing. The applicant was also advised to consult with the Planning Authority before lodging the required plans.

There were also a series of "notes" attached to the Planning Permission which include:

"NOTES

Note 1: The developer is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

Note 2: To protect the amenities of the area, the applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

Note 3: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Note 4: In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

Note 5: The requirements of the Environmental Health Officer shall be ascertained prior to the commencement of development. (Our emphasis)

I reviewed the hard copy, public, planning file for SD15a/0152 at the offices of South Dublin County Council around 14 December 2022. The following is an assessment based on emailed notes to my client sent on 15 December 2022.

There was no evidence of any engagement with the Planning Authority or submission of plans in relation to signage under condition No.4, on the Council's hard copy file or their online digital file. In fact the online file contained more information than the hard copy file including internal and external reports in relation to the planning application by the:

- Council EHO;
- Council Roads; and,
- Irish water

Also, the online file included a copy of the Final Grant with only the Notification to Grant permission present on the hard copy file. Other than that the hard copy and online files are the same.

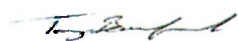
I spoke with a representative from planning administration who confirmed that any compliance submission would be held on the hard copy planning application file. She also checked their computer records and verbally confirmed (albeit tentatively) that no compliance was lodged.

With regard to the "Notes" which are not legally enforceable, there was no evidence on the public file that the requirements of the Environmental Health Officer had been ascertained prior to the commencement of development.

In my experience, the need to ensure any details that must be agreed with the Planning Authority arising from a condition of a Planning Permission (whether prior to commencement of development or at another time) must be complied with. Failure to do so can lead to enforcement action, loss of exempted development rights, and complications during negotiation for the sale or leasing of property.

This information supports my client's understanding that works of sub-division were not carried out pursuant to Planning Permission SD15A/0152 and were carried out pursuant to the exempted development provisions under the Planning and Development Regulations 2001, as amended that would have been applicable in respect of the development

Yours faithfully



Tony Bamford
Tel: 087 2903208

