



An
Bord
Pleanála

Board Direction
PL06F.249179

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31st January 2018.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Remove condition 36

Reasons and Considerations

Having regard to:

- (a) the provisions of the Fingal County Council Development Contribution Scheme 2016-2020;
- (b) the provisions of the Fingal Development Plan 2017-2023;
- (c) the provisions of the Ballyboghil Local Area Plan 2012-2022; and
- (d) the submissions made in this appeal;

the Board considered that the proposed provision of public open space complies with the requirements under Objectives DMS57 and DMS57B, and that since there is no shortfall in the provision of public open space, the payment of a financial contribution in lieu of all or part of the open space requirement, as required under the terms of the Development Contribution Scheme, does not apply in this case. It is considered therefore that the terms of the Development Contribution Scheme have not been properly applied by the Planning Authority and Condition 36 should therefore be removed.

Board Member

Date: 1st February 2018

John Connolly